Local Self-Govt. in Manipur

(An advanced study for college & university students of political science & for concerned govt. authorities)

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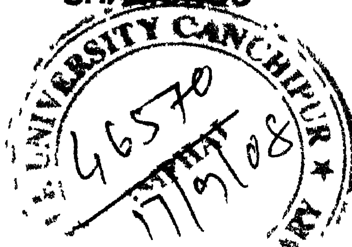
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Preface

People's participation in the governance of their country is the working principle of parliamentary democracy We also have parliamentary democracy ; as such our people should participate in the governance of our country and such a participation on sound basis is best possible only through local self-government bodies. Thus, an advanced book on local self-government is a must.

My earlier book "A Study In Local Self-Government In Manipur" was prescribed as text-book for Higher Secondary Classes (Classes XI & XII) in political science subject vide Board of Secondary Education Manipur, Impbal No. A/SC/3/86 Imphal the 8th August 1986. The present book is an advanced study in t[illegible] of local self-govenrnment in Manipur, which is me[illegible]. for college and university students of the subject and for the concerned government authorities in Manipur

The contents of this book are divided into five parts. Part I deals with the basic and fundamental principles of local self-government and the historical development of local self-government in India and Manipur ; Part II with the Village Authorities in Hill Areas of Manipur, the District Councils and the problems and prospects of local self-government in such areas ; Part III with the panchayati raj in Manipur Valley and its problems and prospects ; Part IV with the Municipalities, Small Towns, Imphal Municipality and the problems of urbanisation in Manipur and Part V with local self government and economic planning in Manipur, judiciary and local self-government in Manipur etc. There are three Appendixes also dealing with current political and economic plans like Jawahar Rozgar Yojana & Panchayati Raj in Manipur.

This book contains the latest information on the subject like Panchayati Raj Bill (64th Constitutional Amendment Bill), Nagarpalika Bill (65th Constitutional Amendment Bill) though both the bills failed in Rajya Sabha on 13th October 1989. These two bills might have given birth to certain utilities in our parliamentary democracy (if they were passed in Rajya Sabha), several criticisms against them notwithstanding.

The new National Front Government is also going to strengthen local self-government bodies as is seen from the following extract from President R. Venkataraman's address on 20th December 1989 to both Houses of Parliament at the First Session after the ninth general election to the House of the People: "My Government will promote on the basis of national consensus a genuine devolution of powers, functions and resources to panchayati raj institutions enabling the fullest participation of the people in the development process. It will secure with the cooperation of the States edequate representation in these bodies for scheduled castes, scheduled tribes, backward classes and women Indeed the whole process will be one of strengthening the federal structure of the polity at the Centre, the States, the district and panchayat levels"

Any mistake in this book in printing or otherwise will be corrected in the next edition Any suggestion for improvement of the same is always welcome.

Churachandpur
3-1-90

The author

FOREWORD

Dr. M. Kirti Singh
M.A. (Philosophy), L.L B.
PH.D., D. LITT, Gaveshana
Acharya

Local Self-Government is a theme of thorough research, interpretation and implementation in modern times There are some works (both published and unpublished PH.D. theses) on this theme which are now available to the students of law and social sciences The present volume on Local Self-Government in Manipur by Shri M. Ibohal Singh M.J.S is the result of his studies and labour in discharge of his judicial duty The scope of his work is limited to the consideration of the constitutional, economic, political and legal problems of Local Self-Government in the valley and hills of Manipur in relation to that of Indian Union

The book has a useful introduction on the concept and meanings/terms of Local Self-Government The 1st Chapter deals with the Development and Purpose of the same in India ; the rest with the Local Self-Government in the context of Manipur. The summaries of important Acts—the Manipur (Village Authorities in Hill Areas) Act, 1956, the Manipur (Hill Areas) District Councils Act, 1971, The Manipur Panchayati Raj Act, 1975, The Manipur Municipalities Act, 1976, etc.—are critically presented in the body of the book in the light of modern western and Indian concepts. His section on "Panchayati Raj In Manipur : Its problems & prospects" and on "Municipalilies & Small Towns In Manipur" are notable contributions in understanding the position of Manipur in the light of

his judicial research, expositions and reflections. We welcome with pleasure his conclusions and adequate footnotes/documentations which are refreshing and give much thought for further discussion. It is a sign of good times that of late there seems to have been attention in the functions of local self bodies, as would appear from the 64th Constitutional Amendment Bill (No 50 of 1989) on "Panchayati Raj" introduced by Prime Minister Rajiv Gandhi in the Lok Sabha, whose policy is entitled to command respect and deliberation at the national level. Some of the constructive activities of Manipur Government, such as, increase of the number of CD Blocks, construction of CD Block building at Keirao Bitra, plans for construction of such buildings at Moirang, Kakching etc ; proposal for more powers & functions of the "Panchayati Raj" bodies, commendable works of All Manipur Panchayati Parishad, Imphal etc, figure prominently in the economic planning and process of Manipur. Taking advantage of Government's policy of "Panchayati Raj" & "Sarvodaya" (common good) and decentralisation, we naturally want to make a strong plea for equal and balanced expansion of progresive activities for the Municipalities, Small Towns, "Panchayati Raj" bodies and other local bodies of the Hill areas.

As to the value of such a study, it may be said that it discusses the problems within the compass of modern legal, constitutional, political and economic thoughts. Its negative value consists in exposing the drawbacks, anomalies and in suggesting solution that needs implementation. In his opinion Local Self-Government in India as well as in Manipur is a new concept/system of administration after 1950 though its roots can be traced back to Vedic Sabha and Samiti, Sacred puyas, village organisation with two elderly persons called Gopal and Gopal Hidang in every Leikai and Khullakpa system (a village under a Hill Chief) in the hill areas. The information contained in this book and

use of notions from contemporary law, economics and political science are extensive and varied. This book is the one best suited for use by all concerned in this part of India. I can not help recording my conviction, though in an Indian manner, that my former student, Sri M. Ibohal Singh, Chief Judicial Magistrate, Churachandpur, is promising legal writer, jurist and scholar, especially of constitutional history, jurisprudence and political science and has already enriched our legal literature by his books and papers. I am sure that he has done substantial piece of work in the sphere of legal research studies. I must further express the confidence that he will serve our country by running colleges, schools, welfare clubs (as he does now) spending the sale proceeds of his books for them and by performing more creative works.

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INTRODUCTION

LOCAL SELF-GOVERNMENT : WHAT IT IS

The government of a state is entrusted with public administration. Substantially, public administration denotes the actual dispensation of the functions by the government of a state for the well-being of its people[1]. But, it is not practically possible for the government of a state alone to perform these functions well. It would be absurd to say that only one government, established at the centre of a state, can carry out these functions. From history, we learn that even a monarch carried out the administrative works for his subjects through various offices set up throughout his country. To-day, we also know that all the democratic states of the world have committed to the achievement of public welfare That is to say, under the philosophy of welfare state, the functions of a modern state have become increased by leaps and

Local Self-government as a variant of local government.

1. In a broad sense, public administration denotes the function of the government as a whole. In a narrow sense, it denotes executive works of the government, i.e , the residue left after the functions of the Legislature and the Judiciary are exhausted. But, to-day, public administration does not exclusively belong to the executive comprising the head of the state, the Ministers, the civil servants etc It is also now shared by the local authorities—urban and rural. For further study vide Dr. M.P. Sharma's Public Administration in Theory and Practice, 15th Edition, PP. 36-57; also Leonard D. White's Introduction To the Study of Public Administration.

bounds[2]. Practically, these days, there is hardly any activity which is not controlled or regulated by the government. And it has also become indispensable to distribute and allot administrative works amongst the various offices of the government. Thus, comes into play the idea of local government In political theory, local self-government is a variant of local government. We now proceed to examine the distinction between the two

Local government is that part of the government of a country which, by delegation from the latter, is conducted by bodies appointed or elected to conduct it within limited areas. Thus, local government means authority to determine and execute measures within a restricted area inside and smaller than the whole state The variant, local self-government, is important for its emphasis upon the freedom of the locality to decide and act.

Distinction between local government and local self-government.

There is more than a technical importance in the difference between the two terms, because they are related to the distinction sometimes drawn between deconcentration and decentralization Local government is often, but not necessarily, related to the former; local self-government to the latter That distinctions

2. Laissez faire philosophy of the 19th century is no longer the philosophy of a modern state To cater welfare and happiness even for a common man residing in a remotest corner of a modern state has become its administrative policy For the functions of a modern democratic state, vide A.C Kapur : Principles of Political Science, 15th Edition, Chapter XXVI; A. Appadorai : The Substance of Politics, 11th Edition, pp. 99-106; Eddy Asirvatham : Political Theory, 1984 Reprint, Chapters 7 & 8; R N Gilchrist : Principles of Political Science, 1967 Impression, pp. 435-44; Constitution of India, Part IV.

have been made is important, even if they are blurred. By deconcentration some have meant that for the mere convenience of a congested central government some functions have been devolved to administration on the spot, rather than from the centre, but still administered through officials appointed by and responsible to the centre. Authority and discretion are vested in the centre On the other hand, decentralization represents local government in areas where the authority to decide has been devolved to a council of locally elected persons acting in their own discretion with officials they themselves freely elect and discipline. Thus, it is clear that local self-government is related to decentralization on a democratic basis[3].

Meaning of local self-government.

Thus, we may conclude that local self-government is government by popularly elected bodies charged with administration and executive duties in matters concerning the inhabitants of a particular district or place. These bodies are elected by the local residents on the basis of universal suffrage Therefore, local self-government denotes the authorities who are, more or less, autonomous bodies carrying on the administration of different local areas or discharging some administrative functions in relations thereto, subject to statutory and constitutional limitations. These authorities may be urban or rural. Local self-government implies democratic decentralisation and devolution of function but the powers, functions and constitution of local authorities are fixed by statute. Within the limits so fixed, they must be independent.

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3. For further study vide "Local Govt." in Encyclopaedia Britainnica. Volume 14; also R N. Gilchrist : Principles of Political Science, 1967 Impression, Chapter XVIII; A. C Kapur : Principles of Political Science, 15th Edition, Caapter XXIV.

In India local authorities are under the exclusive control of the states, by virtue of entry 5 of List II of the 7th Schedule of the Constitution of India. That entry contains a list of some local authorities, such as, municipal corporations, improvement trusts, district boards, other local authorities for the purpose of local self-government or village administration A local authority is also defined in Section 3 (31) of the General Clauses Act X of 1897 in this way : "local authority shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund" This definition shall, therefore, include a Municipal Committee[1], a Panchayat[2]. A local authority is used as a state for the Purposes of Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Constitution of India.[3] The laws on local self-government are local laws, i e laws applicable to particular localities.

Meaning and constitutional status of local authorities in India.

1. State of Gujrat V. Shantilal AIR 1969 S.C. 634 (643); Rashid Ahmed V. Municipal Board (1950) S. C. R. 163 (571).
2. Ajit Singh V. State of Punjab AIR S.C. 856 (866); Bhagat Ram V State of Punjab AIR 1967 S C 927.
3. Article 12 reads thus : 'In this Part, unless the context otherwise requires, 'the State" includes the Government and Parliament of India and the Government and Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India Vide also Sri Ram V Notified Area Committee, AIR 1952 S.C 118 Article 36 also reads thus : "In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III.

The local self-government institutions are known by different names. In India the popular term is local self-government; in England local authorities; in other places local government. But in this book we shall use the term 'local self government'*. The term is used to denote the local self-government institutions—both urban and rural—in India. The urban institutions are Municipal Corporations, Municipalities, Town Committees etc The rural institutions are Gaon Sabhas, Gaon Panchayats, Panchayat Samitis etc.

Different names of local self-government institutions.

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* The idea of the local self-government was not foreign to the genius of the people of India. But local self-government in India of to-day owes very little to local self-government that existed in Ancient and Medieval India. From a pragmatic political point of view, true and real local self-government can function only in a free democratic state. Thus, local self-government became a way of Indian political life only on 26th January, 1950 when India became a sovereign democratic republic. Article 40 of the Constitution of India lays down that the state shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. Legislation in this field is a state-subject vide Constitution of India, Article 246 (3) read with Seventh Schedule, List II—State List, Entry No. 5.

In India local self-government has been considered as a part and parcel of the rural development programme. A massive Community Development Programme covering all aspects of rural life was inaugurated by Jawaharlal Nehru on October 2, 1952. And many steps were taken, under National Extension Service, to ensure

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CHARACTERISTICS OF LOCAL SELF-GOVERNMENT :

Local self-government has certain characteristics. First, its existence owes to the concerned state government. That is to say, it is created by the government of the state wherein it is intended to function for the purpose of local administration. Its powers and functions, and organisation are laid down in the statute passed by the state government for the purpose.

Thus, almost all the states of the Indian Union have now enacted law vesting various degrees of powers of self-government and of criminal justice in the hands of Panchayats, e g , Rajasthan Panchayat Act, 1953, Andhra Pradesh (Telengana Area) Gram Panchayats Act, 1958; Andhra Pradesh Panchayat Samitithis & Zilla Parishads Act, 1959; Bombay Village Panchayats Act, 1958, Punjab Gram Panchayat Act, 1952 ; Madras Village Panchayats Act, 1950; Gujrat Village Panchayats Act, 1958, Manipur Panchayati Raj Act, 1975; Manipur Municipalities Act, 1975 etc In some states the system was in vogue from before, e g U P. Panchayati Raj Act, 1947; Orissa Gram Panchayats Act, 1948

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people's participation by organizing non-statutory committess at the village and block levels. A revised Community Development Programme was started in the middle of 1958 on the recommendations of Balwant Raj Mehta Committee (1957) which was appointed to look into the functioning of various plan projects, such as, Community Development Programme, National Extension Services etc In its monumental recommendation, the Mehta Committee recommended for "democratic decentralisation" of administrative machinery at the village, the block and the district level by formation of Village Panchayats, Panchayat Samitis and Zila Parishads at the respective levels, to enable

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Similar procedure is adopted in other countries of the world, where local self-government is functioning; e.g., British Parliament makes laws relating to local authorities in Britain; mention may be made of the Local Government Act 1933 which prescribes the system of municipal government; of the Local Government Act, 1888 which makes special provision of the city of London.

Second, local self-government deals with the local problems only. A survey of the various activities of government shows two broad classes of work. In the first class are activities of general interest, such as, defence, tariffs, coinage, postal system etc. of which the central government must be in charge. There is a second class of functions which benefits only a section of the community, and this section of the community must be properly held as responsible for them These are the functions which local self government deals with.

Thus, Imphal Municipality deals with the problems of the municipal areas of Imphal ; Calcutta Corporation,

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the people to participate actively in the planning and implementation of development programmes The recommendation was accepted, and for evoking popular appeal, the name of "democratic decentralisation" was replaced by "Panchayati Raj".

Rajasthan and Andhra Pradesh were the first to implement "Panchayati Raj". Its inauguration was done by Pandit Jawaharlal Nehru on Mahatma Gandhi's 9 th birth-day, October 2, 1959 Panchayati Raj has now been established in all the states and the Union Territories except the states of Meghalaya and Nagaland and Union Territories of Lakshdweep and Mizoram (now a State) For further study vide ' Panchayati Raj for faster rural uplift ' by Sita Ram Singh, Yojana December 1—15, 1985; India 1985 p. 336; Manorama Year Book 1986, p. 541.

with the problems of the city of Calcutta; Shamurou Small Town, with the problems of the Shamurou Town areas. But the problems are of peculiar concern of the locality, such as, water supply, sanitation and health, maintenance of hospitals and libraries, construction and maintenance of roads and parks, supply of electric energy, supply of seeds and artificial manures for agriculture, etc. only for the benefit of the concerned local people.

Third, the three organs of the government—legislature, executive and judiciary—are not clearly defined and demarcated in local self-government. The functions of local self-government institutions, such as, Municipal Corporations, Municipalities, Town Committees, Panchayat Samitis etc. are executive and administrative in nature. They carry out the functions enshrined in their respective statutes passed by the state government. However, the Nyaya Panchayats at the village level perform judicial and adjudicatory functions. Nyaya Panchayats or village courts, which provide a speedy and inexpensive system of justice to the villagers are functioning in some of the states of the Indian Union including the state of Manipur. They try petty cases, civil and criminal. Local self government institutions like Municipal Corporations; Municipalities etc. are empowered to make rules for their respective local areas, which is in a sense delegated legislation. The rules made by the local authorities are known as bye-laws. Bye-laws are the means by which local authorities exercise their regulative functions. Such bye-laws usually require confirmation of the concerned state government. To be valid a bye-law must be **intra vires**, reasonable in itself, certain in its terms and must not be retrospective or repugnant to the general law or constitution of the land*. It must be published.

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* Under Article 13 (3) of the Constitution of India a bye-law is also a law with reference to Part III (Fundamental

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Fourth, there is less red-tapism in local self-government. When procedure is not used as a means to an end, it degenerates into 'red tape' which means insistence on the letter of the procedural rule, and unwillingness to exercise discretion and make exceptions even when there is good case for doing so. In modern administration especially at the secretariat and higher official level, many works, even of urgent nature, remain undisposed of because of delayed file-process. But in local self-government the official procedures and rountines are not strictly followed while discharging its functions, the emphasis being always on the result of the work undertaken. Most of the works in local self-government are done through discussions. Meetings and personal discussions form the core of the daily transactions of business at the levels of the village Panchayats and the Panchayat Samitis.

Rights) thereof. Article 13 (2) of this constitution further lays down that the State shall not make any law which takes away or abridges the rights conferred by this Part (Part III) and that any law made in contravention of this clause shall, to the extent of the contravention, be void As discussed earlier, local authorities, such as, Municipal Corporations, Municipalities, Town Committees, Panchayats etc. are also included within the meaning of State under Article 12 of the Constitution of India. Therefore, the bye-laws made by such local authorities or acts done by them shall be **ultra vires** the Constitution if their bye-laws or acts are repugnant to these Fundamental Rights Such bye-laws or acts must also comply with other provisions of this Constitution, e.g. Article 265 which lays down that no tax shall be levied or collected except by authority of law; Article 301 which guarantees freedom of trade, commerce and intercourse throughout the territory of India. Therefore, if a local authority in

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Fifth, Local self-government work is amateur. Hardly do the trained or professional politicians indulge themselves in local self-government. At the village level, the panchayats are run only by the laymen. As we experience to-day in the functioning and working of the local self-government institutions in the state of Manipur and other states of India, mainly at the levels of the Panchayats and the Panchayat Samitis, both the elected members and the nominated members are simple villagers and laymen. They are without any knowledge of administration and public welfare services. Still, the proceeding of a Nyaya Panchayat in the state of Manipur and in other states of India is conducted in such way that it does not comply with the relevant Act and rules framed thereunder. Usually, they are followers of the local politicians and they are always trapped by such politicians for the latter's political purpose and political self-aggrandisement. This state of affairs prevails in local self-government institutions in India; because, till to-day, local self-government works are

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India levies or collects tax from the residents within its local jurisdiction without framing bye-laws for the purpose under the parent Act, the levy or collection of the tax is *ultra vires* the Constitution. Again, if a local authority makes bye-laws for the purpose of levy or collection of tax when the parent Act does not contain any such provision for the purpose, those bye-laws shall be repugnant to Article 265 of the Constitution, and hence *ultra vires*. At the same time, they shall also be *ultra vires* the parent Act because they outstep the provisions thereof. Similarly, a local authority in India cannot make bye-laws for imposing ban on the freedom of trade within its local area because those bye-laws shall contravene Article 301 of the Constitution. For validity such bye-laws as well as the relevant provisions in the parent Act should comply with Article 301 of the Constitution.

considered and left as amateur. But at the higher level like Municipal Corporations, Municipalities etc. the members are found educated and politically trained. But these members also are not so keenly interested in their works as trained and professional politicians are in their works. However, local self-government serves as training ground for the budding politicians.

Sixth, local self-government institutions are corporate bodies endowed with legal powers and functions, having their own official seals. Thus, they are legal persons* capable of acquiring, holding and disposing of property in their names. They have perpetual successions according to the provisions of the statutes which create them.

Seventh, local self-government has limited financial resources It is financed substantially by the inhabitants of the locality. That is to say, though meagre in amount, local taxes, tolls, rates etc. form the main sources of the incomes of the Municipal Corporations, Municipalities etc. The incomes emanating from these sources are too meagre to meet the expenditure to be spent on any development work. Therefore, local self-government is financially dependant on the grants-in-aid given by the State Government from time to time. But the grants-in-aid so sanctioned and issued are also very meagre in comparision with the

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* They are artificially created by law. By nature only human beings are capable of exercising rights and of discharging duties. But law can attribute a personality known as legal personality to a subject-matter other than a humanbeing Thus, local self-government institutions, such as, Municipal Corporations, Municipalities, Town Committees, Panchayats, Panchayat Samitis, etc. are usually attributed with such personality under the statutus which create them. This method is adopted for convenience and expediency in the field of public administration and administration of justice.

development works and projects in the hands of the local authorities in any State of India*.

Eighth, local self-government is essentially government on a small scale but the Government is a large scale enterprise in terms of powers and functions, total revenue, expenditure and empoloyment. As we know, local self-government is mainly concerned with the promotion of the general welfare subject to the control, direction and supervision of the state Government. On the other hand, the state government deals with huge and burdensome tasks, such as, maintenance of law and order, heavy industries, employment problems, plan-projects involving

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* In India Panchayati Raj was carefully nurtured by Pandit Nehru. However, after his death on 27th May, 1964 his successor, Sri Lal Bahadur Shastri doubted its utility. Therefore, financial resources of Panchayati Raj institutions were cut down and in most states Panchayati elections were forgotten or postponed Smt. Indira Gandhi gave the country the slogan of "Garibi Hatao" and extensive schemes were launched to achieve this objective under the original and the revised 20-point programmes When the Janata Government came to power in March, 1977, the call for grass root democracy came again to the front. Besides this, our Prime Minister Sri Rajiv Ganhhi has shown special interest in Panchayati Raj institutions and personally written to the Chief Ministers in August, 1985 to pay atention to the development of Panchayats Vide Yojana, December 1-15, 1985, P 13; Yojana, June 16-30, 1986 PP. 14-15 also To revitalise Panchayats, Co-operatives and local bodies has been one of the Twenty-point Programmes, 1986 announced by the Union Minister of Programme Implementation, Sri A.B.A. Ghani Khan Chowdhury in Parliament on August 20, 1986 vide Yojana October 1-15, 1986 P. 7. In due Course we shall see and experience the achievements in this field.

expenditure of many crores of rupees. Further, the State Government has many Departments/Ministries, such as, Home, Agriculture, Fishery, Industry, Education, Civil Supply. Transport etc. But local self-goverment has no such Ministry/Department. It only performs the functions enshrined in the relevant statute passed by the State Government.

Ninth, in terms of number, the local self-government institutions are in legions. But there is only one State Government which creates such institutions For example, while there is only one government in Manipur, that is, the Government of Manipur, there are eight Municipalities and thirty Small Towns in Manipur. Further, we also find that, as on March 31, 1984, in India there are 2, 17, 319 Gram Panchayats covering 5, 61. 135 villages and about 95 percent of the rural population, 4, 526 Panchayat Samitis and 297 Zilla Parishads.

Lastly, while functioning local self-government institutions are always in close contact with the local people. As such, local administration follows local public opinion. People have easy access to their local institutions for ventilating their local grievances. Thus, there is a direct participation by local people in their local administration. So, there are elements of direct democracy in local self-government*.

In direct democracy the people assemble together and conduct important public affairs by directly making laws, rules and regulations. Direct legislation by assembled voters has survived in the Swiss Cantons. The surviving town meetings in New England represent similar conditions and beliefs.

VALUE OF LOCAL SELF-GOVERNMENT :

Local self-government has much practial value in the administration of a State. First, it relieves the State Government of the heavy burden of the administrative affairs, to a great extent. As discussed at the outset of this work, these days, a State Government is committed to the establishment of a welfare State. With reference to India, the welfare services to be undertaken by the government are found in Part IV of her Consitution. A perusal of that Part (Directive Principles of State Policy) shows that those welfare services are so varied and numerous that only the government will not be able to perform them. Therefore, powers and functions in respect of welfare services of peculiar local nature are delegated on democratic basis to the local self-government institutions. This process enables these institutions to look after their own local problems and to carry out the welfare services for their local people. In this way, the State Government gets relieved, in an ample measure, of the heavy burden of administrative works.

Second, different areas have their own peculiar problems. Some need water-supply ; some, electrification ; some, sanitation ; some, price-control ; some, primary education and so on. Only the concerned local people can better understand their own local problems. They know best where the shoe pinches. The State Government of Manipur at Imphal hardly knows that a village road should be constructed between Kasimpur and Leishabithol villages in the Jiribam Sub-Division. Similarly, it does not know the number of culverts which are required for the regulation of river water at a particular village. But the concerned local bodies know the problems and can carry out the works. Thus, the principle—local works by local people—has much practical value in the dispensation of the local welfare services. With reference to Indian local conditions, it can also be said that local welfare works

should be done only by the local people ; because local conditions—social, economic, political, religious and cultural—are sharply different from locality to locality in India and even in any State of India.

Third, economy is secured by local self-government. Local functions are performed with money out of funds raised locally. Equity demands that people of a particular area for whom the services are perfomed must pay for them. Naturally, the people entrusted with the management of the local affairs will manage them more efficiently in order to keep their bill of costs as low as possible. "Maximum service at minimum cost" becomes the principle in the management of the local affairs. Thus, there is hardly any scope for profit-making-motive in such management Besides it, local people can watch as watch-dog over the local works and the expenditure to be spent on them ; because local self-government works are undertaken in small enterprise. This constant public watch over the local works eleminates any profits-making-motive in the management. At the same time, for the fear of the local public condemnation and criticism, local authorities will naturally refrain from earning profit in the management and performance of their works. Therefore, for securing economy in local self-government works, the concerned local people must exercise a constant watch over the affairs of their respective local authorities But the watch should always be constructive, co-operative and in a **bona fide** way.

Fourth, local self-government imparts civic sense to the local people. In a political society everyone of us has certain duties or obligations to do, such as, co-operation and help in times of natural calamities like flood, drought, famine ; help to the Governmental authorities, village and local defence ; proper use of public property like public well, tank, tap-water, electric energy and current, & C The sense or consciousness about these duties or obligations

is called civic sense. As discussed earlier (vide Characteristics of local self-government, Fourth and Last), most of the works in local self-government are done through personal discussions. Meetings and personal discussions form the core of the daily transactions of business at the levels of the village Panchayats and the Panchayat Samitis. Besides this, local people have easy access to them and can easily express their grievances. They know the work to be done and the expenditure to be borne. They come to know that public work is their work and public property, their property. They come to know that they are the members of the society to which they belong. Participation in the management of the local affairs tends to develop a sense of mutual interest in the common affairs and trains them to work for others honestly and efficiently. It also tends to develop amongst them a sense of fraternity and co-operation. Thus, it is seen that local self-government can impart civic sense to the local people.

Fifth, local self-government institutions serve as the training grounds in the art of self-government and public administration ; experience and knowledge acquired in in local governance can be best utilised for the wider affairs of the State Government. Democracy is a government of the people, by the people and for the people. So, people of a democratic State are to be trained in the art of self-government. In this respect, local self-government institutions impart better training to the people. It is for this reason that Laski has suggested that no body should be allowed to stand as a candidate for election to the national legislature unless he has served for at least three years on some body. This foundation aspect of local self-government is now described "grass-roots" democracy. In the Indian context, what Laski observes in the above way shall hold good. It cannot be denied that a fair number of Ministers, M.Ps , M L.As, in India have no such primary training at all except joining and working in some political

parties. It is the political right of an Indian citizen to contest in an election—Parliamentary or Legislative Assembly or Municipal—if he is qualified for the purpose under the relevant law for the time being in force. This political right cannot be denied at all. But we can suggest that if an Indian citizen wants to serve our country in his capacity as a Minister, an M.P. or an M.L.A., he should first train himself in some local self-government institutions like Municipal Corporations, Municipalities, etc., otherwise the rare limited period of their term of office shall pass away through trial and error, and trained and seasoned bureaucrats shall hood-wink them in the discharge of their duties.

Sixth, a sound system of local self-government tends to diminish bureaucratic despotism That is to say, absence of a sound system of local self-government leads to the concentration of the business of the government in the hands of the appointed officials The State Government shall lay down certain principles, and the appointed officials shall work out the details without complying with actual public needs and grievances. And the officials shall become despots But a sound system of local self-government shall eliminate such bureaucratic despotism. Local self-government institutions can look after their respective local problems and carry out the necessary works. They better know the actual local needs and grievances. It can further be held that absence of local self-government institutions in India means a centralised system of administration—a retrograde to pre-independence period and rule by the bureaucrats. There is no denial that most of the bureaucrats are not always careful of and sensitive to the public needs and grievances Constant public control and vigilance, through the Panchayati Raj institutions, over the works of the bureaucrats is always necessary in the proper functioning of a democratic country like India.

Last, in a vast country like India local self-government institutions can be resorted to as a means for effective

implementation of anti-poverty measures at the grass root level. Practically, the benefits of economic planning and poverty alleviation measures can only reach the poorest of the poor in remote areas through watchful and strong village panchayats, rather than simple enforcement of the programme by governmental agencies. Strong Panchayati Raj institutions are, therefore, sine qua non for effective implementation of anti-poverty measures at the grass root level. There has to be much closer involvement of panchayats in the identification of needy families on the basis of incidence of poverty and in the formulation of development programmes suited to their respective areas as well as their implementation The Government has, accordingly, reiterated the importance of panchayats' role in rural development in the recently recast I.R.D.P (Integrated Rural Development Programme), as, in the words of Prime Minister Sri Rajiv Gandhi, "Panchayati Raj alone can ensure success of development programme through peoples' participation*".

* Vide Yojana, December 1-15, 1985, P. 14. The panchayati raj institutions now carry out programmes of rural development within their respective territorial jurisdictions. Their powers and responsibilities are defined not only by law, but administrative instructions issued by the state governments have also over the years, enlarged and clarified their roles and functions. States like Gujrat, Maharashtra, Tamil Nadu and West Bengal have devolved upon these insitutions the responsibility for performing a wide range of development activities. For further study vide India 1985 Chapter 17 Rural Development; Kurukshetra Volume XXXIV, No. 11-12 August-Sept. 1986 PP. 4-7.

DEFECTS OF LOCAL SELF-GOVERNMENT :

Local self-government has certain defects in its practical working. First, it breeds localism ; it narrows the outlook of the people. For example, a Town Committee under the Manipur Municipalities Act, 1976 has many wards; the commissioner of a particular ward usually follows what the people of his ward advise him ; practically he looks after the problems of his ward only. Similarly act other commissioners also. Rare are not cases where a ward of the Municipality or the Town Committee is provided with all the facilities, such as, water for drinking, library, club, park, electrification, playground etc. while another ward is not provided even with an electric tube bulb. Very frequently, the commissioners quarrel amongst themselves over the work-distribution for their wards. Besides it, when a Municipality or a Town Committee comprises more than one or two local areas the Commissioners belonging to the same local area, always stick to the undemocratic and authoritarian view that they should run the municipal or town committee office. Thus, it becomes difficult for them to think for the common good and join the national mainstream both in policy and programme. The narrow outlook and localism, so bred, may ultimately lead to disunity and disintegration of a vast state like India.

Second, local self-government officials are generally without sound knowledge of administration. For example, in Manipur, at the village level the members of the panchayats are laymen ; the Nyaya Panchayat Courts in the valley villages and the Village Courts in the hill areas are also presided over by such laymen. Very frequently, if not always, these courts try and decide cases not in the ways laid down in the statutes (Manipur Panchayati Raj Act, 1975 and Manipur Village Authorities In Hill Areas)

Act, 1956*. Even the Pramukhs at the Block level are sometimes found to have no knowledge of administration. The concerned Block Development Officers use them as rubber-stamps in policy-making and work-implementation. Such conditions prevail in other states and Union Territories of India where Panchayati Raj has been introduced. The reason behind this state of affairs is that local self-government cannot attract educated persons as also trained and professional politicians, especially at the lower level. Besides it, to delegate more administrative powers and functions to local authorities having little knowledge of public administration is just like to give a razor to a child. Therefore, political scholars are sceptical of vesting full and complete financial custody in the hands of the local authorities especially at the village Panchayat level**.

Third, from a pragmatic point of view, local self-government institutions in India have been used mainly for national and state-level political purpose They have been resorted to as a means for political self-aggrandisement of the these power-hungry-politicians. It is the belief of these politicians that unless these institutions are in their political support, their political foundation is not firm They cannot tolerate any local self-government institution which in not in their support or belongs to another political party***. As a result, local self-government institutions in India have

* This practice I do find and experience while discharging my judicial works as a Munisiff/Judicial Magistrate in Imphal East Sub-Division, in Jiribam Sub-Division and in Senapati District, Manipur.

** For further study vide V.P. Varma : Modern Indian Political Thought (1985) Chapter 31.

*** These days, rare are not instances of the stalemates between the state government under one political party and local self-goxernment institutions which are in support of another political party.

become political agents of the ruling political party. Thus, to obey and worship the ruling political party and government instead of serving the local people has become the working principle of the local self-government institutions in India. And these institutions have not been serving fully the purpose for which they are established and ordained.

Despite these defects, local self-government has much practical value in a democratic state like India. It can be said that local self-government which is now known as "Grass-roots" democracy forms a vital element of democracy for the modern State. It can also be said that democracy on the national scale can function in a healthy manner only if it is supported and nourished by democratic local self-government. So, inaugurating the first Local Self-government Ministers Conference (India) in 1948, our first late Prime Minister, Jawaharlal Nehru said, "Local Self-Government is and must be the basis of any true system of democracy. We have got rather into the habit of thinking democracy at the top and not so much below. Democracy at the top may not be a success unless you build on this foundation from below". R G. Gettell says, "…. Democratic institutions should be introduced gradually, as the people are prepared by education in political affairs and training in the habits and discipline of self-government". In conclusion, we can say that in the context of "mass democracy", there should be ample scope for local self-governing institutions. Popular interest can be built up only through local councils meant to serve local interest. Local councils and local government are the best school for political education because they organise real democratic participation of the masses. In federal system, the scope of local initiative is greater. But even in unitary system like the United Kingdom, France and Japan, local institutions have been consciously developed as the key base of democratic system. Considerable devolution of authority has taken place in all these countries.

DEMOCRACY AND LOCAL SELF-GOVERNMENT :

There are as many definitions of democracy as there are political thinkers But the popular definition of it is "government of the people, by the people and for the people" (Abraham Lincoln). Practically speaking, democracy is not merely a form of Government. It is a way of life based on equality of status and opportunity, justice—social, economic and political, and liberty of thought, expression, belief and faith, with the recognition of the individual right, liberty and dignity. Thus, democracy is primarily a political concept, but it has shaped ethical, social and economic concept as well. Its basic ideal of the sanctity of human individual is primarily an ethical one. It accepts every individual as an end in himself. Wherever an individual is treated as a means, it dehumanises him. The ethical consideration involves the frank recognition of humanism as well as the view that the state is for man, not man for the state.

From the above discussion it is clear that democracy has three inseparable aspects—social, economic and political. Its social aspect lies in the fact that it values inherent individual right, liberty and dignity. On this basis an egalitarian society should be formed. Economic aspect of democracy implies the production and distribution of wealth or economic goods by the people and for the people. Thus, ownership, consumption and appropriation of economic goods must be by the people and there should be no concentration of wealth in the hands of a few individuals. Economic rights and opportunities should be equally open to all the individuals. Political aspect of democracy means that form of government in which the mass of the population possess the right to share in the exercise of sovereign power. It assumes political equality and opposes the idea that any class shall possess special political privileges or monopolize political power. Thus, the concept of modern democracy is coeval and co-extensive

with that of modern welfare state. In a truely democratic state there is no antagonism between an individual and his government. He must feel that he has played his own role in the well-being of his state. At the same time, his government must work in such a way that every individual enjoys equality—social, economic and political. Every individual must also love another as his own self and respect another's rights as his own.

There was direct democracy in each Greek City State. Such a State was small both in area and population. In such democracy the citizens appeared in large popular assemblies and directly decided important public affairs In such system of administration there was hardly any need for local self-government.

But direct democracy is not practicable in a vast State like India It is not practically possible for all people of India to assemble, at a time, at a particular place or in Parliament at Delhi for deciding important public affairs. Nor can all the people of Manipur assemble in such a way for such purpose at a particular place or in the Manipur Legislative Assembly at Imphal Necessarily, representative democaracy is adopted. We elect our representatives every five years while the ultimate sovereign power lies with us This is the political aspect of Indian democracy. A perusal of the Preamble to our Constitution and of Part IV (Directive Principles of the State Policy) clearly shows that Indian democracy should not be a mere political democracy, but should be a way of life based on social and economic equality. Thus, Indian political society should possess all the features of an ideal welfare state. But the adoption of the form of democratic government by a state whose population is not competent to operate it is not a fair test of democracy, nor is the result a satisfactory government for the state concerned. Therefore, certain conditions are necessary to the successful working of democratic government in any state of the

world. A high average degree of intelligence, a constant interest in public affairs, and a sense of public responsibility are necessary to the satisfactory working of democratic government. The people must be willing to accept the principle of majority rule, but they must also respect the rights of, strong minority. Ignorance and indifference on the part of the mass of the population make impossible the successful working of democracy; hence democratic states should stress the value of public education and of continued public interest

Thus, after examining the value of local self-government that we have discussed in detail hereinbefore* vis-a-vis the above requirements of a modern democracy, we can easily come to the conclusion that for the successful working of a true democratic government a sound system of local self-government is a *sine qua non*. According to Bryce, local self-government is the best school of democracy, and the best guarantee for its success is the practice of self-government.

POLITICAL PARTIES AND LOCAL SELF-GOVERNMENT :

As we well know, local self-government is based on democratic decentralisation, the aim being to meet the peculiar local needs of different far-off places. Democratic decentralisation on this basis becomes indispensable for the successful working of democracy in a vast country like India. Further, we all know that India is almost like a continent. It consists of thousands of villages inhabited by millions of illiterate villagers; and it also consists of cities and of towns where millions of home-less path-dwellers

* Vide the Value of Local Self-Government, (supra) Second, Third, Fourth, Fifth and Last.

are roaming for livelihood*. These villages, these cities and towns have varied needs and problems of their own. Sometimes, the needs and problems are so local and of peculiar nature that they can be best solved and met by their local institutions like Panchayats, Panchayat Samitis, Zila Parishads, Municipalities, Municipal Corporations, Town Committees etc. Under these circumstances, paractical approach is a must. And government on the basis of party politics may have a baneful effect on these real and practical needs. Modern government is majority rule. But local self-govern ent is designed to solve the practical problems.

In 1981 there were 3, 949 towns and 5, 57, 138 inhabitated and 48, 086 uninhabited villages in the country. Among the states, Uttar Pradesh had the largest number of towns (704), followed by Tamil Nadu (434), Madhya Pradesh (327) and Maharastra (307) Nagaland 47, Jammu and Kashmir 58 and Haryana 81 towns. Andaman and Nicobar Islands and Dadra and Nagar Haveli had one town each, while Delhi had 30 towns. Uttar Pradesh had 1, 12, 567 inhabited and 11, 679 uninhabited villages. Madhya Pradesh had 71, 352 and Sikkim 440 inhabited villages.

There were 12 cities with a population of 10 lakh and above recorded in 1981. These are Calcutta, Greater Bombay, Delhi, Madras, Hyderbad, Ahmedabad, Bangalore, Kanpur, Puna, Nagpur, Lucknow and Jaipur.

According to 1981 census, the literacy percentage is 36. 23. Out of this, 46. 89 per cent males and 24 82 per cent female literate, Vide India 1985 PP. 11 & 14-18.

The Sarvodaya School*, therefore, maintains that there should be no political parties in public administration. It advocates stateless society. But it does not rule out governmental set-up at the early stage towards this goal. It maintains that there should be organised self-governed and self-regulated communities on partyless basis. Thus, Sarvodaya is a comprehensive, social, economic, political, moral and spiritual philosophy. But the new concept of integrated Panchayati Raj is only a specific administrative technic to be practised at the district, block and village levels. However, there is a consensus between Sarvodaya and Panchayati Raj because both require democratic decentralisation of political powers for the purpose of practical public services.

But Political parties can not be given up in modern democracy. It goes without saying that we run our government through our elected representatives. Therefore, political parties with fixed policies and programmes are the most important for successful working of modern indirect democracy. In democracies they furnish the organisation through which policies are formulated and political propaganda is carried on for the purpose of creating and influencing public opinion. When great issues arise they furnish a means by which citizens may subordinate lesser differences of opinion and decide question of vital concern. Through their control over nominations and elections they become a part of the governmental machinery of the state, sometimes legally recognised sometimes outside the legal organisation of the state. In modern democracy their practical importance lies in the fact that they quide the electorate

* Sarvodaya accepts the sacrosanct character of the human spirit. It is emphatic on the inculcation of the values of freedom, equality, justice and fraternity. It is a legacy by Mahatma Gandhi ; after his death, Archarya Vinoba Bhave became its chief exponent ; these days Jayaprakash Narayan is the chief exponent.

at the time of general election. These days, all the political parties carry on extensive campaigns of propaganda; besides it, they prepare party platforms, compaign tex-books, and a flood of documents, pamphlets, posters and other forms of prepared opinions when the general election comes. Thus, at the time of general election political parties create a golden opportunity for the electorate to judge which political party, when in office, will do good for the public and to judge for which political party to cast vote. As stated earlier, modern democratic rule is majority rule The same principle also works in our modern local self-government both urban and rural. The State Governments in India, as in other countries, pass necessary Acts on local self-government. This state of affairs brings political parties into play in our modern local self-government. Recognising the importance of the role played by political parties in modern democracy, Ashoka Mehta Committee (1977) which reviewed the functioning of Panchayati Raj institution recommended open participation by political parties in Panchayati Raj affairs. However, as a convention political parties abide by gentlemen's agreement not to contest elections to Panchayati Raj institutions. But West Bengal and J & K have held panchayat elections on party basis*. From a

* Vide Yojana December 1-15, 1985, P 13 But political parties prepare for panchayat polls in Andhra Pradesh. The congress is making a determined bid to challenge the supremacy of Mr. N. T. Rama Rao's Telegu Desam Party in the forthcoming elections to the 1105 panchayat mandals, expected to be held before the end of March next (March, 1987); for details vide The Times of India, December 13, 19 6 The ruling Janata Party today gained control of 17 of the 19 Zila parishads in Karnataka, for details see The Telegraph January 4, 1987; also The Times of India January 10, 1987.

practical point of view, it can be maintained that these days political parties in Manipur also are canvassing votes for their candidates at the elections even at the level of Panchayats, Town Committees, District Councils etc. No body shall deny this fact. And rare are not cases where Municipal Boards, Town Committees, Panchayat Samitis are superseded or suspended or dissolved by the State Government in India. It is also a glaring fact that a local self-government institution run by a non-ruling party always gets defeated and disappointed at the hands of the ruling party. Thus, it shall not be an exaggeration to say that political parties play active roles in the affairs of the local self-government institutions in India.

In conclusion, we can suggest that frequent interference by the State Government on political grounds in the functioning of local self-government institutions is undemocratic and unconstitutional. These institutions are designed to solve the practical needs of peculiar local characteristics. So, they must be kept aloof, as far as practicable, from the power politics. These institutions should be allowed to function as freely as possible unless their functioning affects the unity, integrity and security of India and causes social and economic injustice.

I

LOCAL SELF-GOVERNMENT IN INDIA : ITS DEVELOPMENT AND PURPOSE

LOCAL BODIES IN RURAL AREAS DURING PRE-INDEPENDENCE DAYS

From history we learn that the idea of local self-government was not new to ancient India From time immemorial, local popular assemblies or bodies had been in existence in India serving all the local needs for sanitation, communication, even the judiciary and the police* But, during the turmoil that followed in the wake of the dissolution of the Mughul Empire, those assemblies almost entirely disappeared from towns and greatly decayed in villages. The British Government tried to keep up them wherever they were in working order, and revived them in places where they were wanting But the Government were confronted with the task of evolving a definite system of local self-government both for the vest rural areas as well as for towns

To begin with, the Government adopted no definite system in the administration of local affairs. They worked through the existing institutions or improvised others as the need was felt. Thus, in Bengal regulations were

* But a modern critic says : "The panchayats of the past were rarely representative of the village as a whole : they might be drawn from the members of the founding families or from the Brahmins and the superior cultivators. The menials and the landless had almost no say in its affairs except perhaps in South India ...." vide Panchayati Raj A study of rural local government in India by Henry Maddick (1970) P. 15.

passed in 1816 and 1819 authorising the Government to levy money for the maintenance of ferries and construction of roads, bridges and drains In administering the fund so raised, Government were advised by local Committees comprising District Magistrates as Secretaries. Outside Bengal, the necessary amount was raised by imposing a cess or small percentage on land revenue.

As regards Bombay, there was a legislation in 1869 and the legislation legalised cesses and also provided for the establishment of Committees which would well administer the district funds for local affairs Thereafter, the Government of India's Resolution of 1870 gave a great stimulus to the development of local self-government. Within a year, Acts were passed in various provinces following the Bombay pattern. For the administration of funds, Committees were set up for the district as a whole These Committees were nominated and controlled by the Government. They consisted of both officials and non-officials and had official Chairman. In Bengal also a new Act was passed imposing cess. But the cess was restricted only to amount required for the roads. Thus, the cess in Bengal could be used only for the roads. No doubt, there was a distinct improvement upon the existing situation of local self-government.

But the system introduced in 1871 had many defects. The Committees were entirely dominated by officialdom. and popular wishes and feelings had no scope in them. Besides, the area served by them was too large, and the private members had little knowledge of, and consequently little interest in, the local affairs of a large part of the area.

Lord Ripon made an earnest effort to remove the above defects. Later, his ideas were laid down in the shape of a Government Resolution in May, 1882. The two essential features of this new plan were : (1) The sub-divison should

be the maximum area to be served by one Committee or local board, with primary boards, under it, serving very small areas, so that each member of it might possess knowledge of, and interest in, its affairs (2) The local boards should consist of a large majority of elected non-official members, and be presided over by non-official Chairmen. Here was a real beginning of local self government in India.

But, unfortunately, the principles underlying the above resolution were not fully given effect in many of the provinces. Lord Ripon's views were not shared by either the local governments or the authorities in England Local self-government bodies were still dominated by officialdom. Popular wishes and feelings were hardly considered. The high hopes raised in the minds of the Indians were thus dashed to the ground But the Congress took up this question and pressed it upon the Government year after year The defects were cleary recognised by the Montagu Chelmsford Report, and Lord Chelmsford's Government issued a Resolution on 16th May, 1918, declaring the 'Policy of the gradual removal of unnecessary Government control and of differentiating the spheres of action appropriate for Government and for local bodies respectively". It was proposed to make these bodies as representative as possible, to remove unnecessary restrictions regarding taxation, the budget and the sanction of works, to bring the franchise as low as possible and to replace nominated Chairmen by elected non officials. The Resolution also emphasised the importance of developing the corporate life of the village.

Under the Government of India Act, 1919, in 1921 local self-government became a Transferred subject in charge of an Indian Minister who was responsible to the Provincial Legislature for the same. But he could not do much work in his field on account of the lack of funds as

the Finance Department was under the charge of an Executive Councillor who hardly cared for any nation-building scheme. The Indian Statutory Commission*, therefore, observed in 1929, "no real attempt was made to inaugurate a system amenable to the will of the local inhabitants".

Under the Government of India Act, 1935, local self-government came under the control of a popular minister who could afford to put more money at the disposal of the local bodies. Laws were passed practically in every province to give more functions to local bodies However, the sources of income of local bodies, instead of increasing, became less. Restrictions were placed on the powers of local bodies to levy or enhance terminal taxes on trades, callings and professions and municipal property. The net result was that not much progress was made in the field of local self-government.

LOCAL BODIES IN URBAN AREAS DURING PRE-INDEPENDENCE DAYS

Like that of the rural areas, there was no uniform or definine principle as regards the local administration of the towns in India. In big towns there were municipal Committees but those Committees were nominated by the

* Section 84-A of the Government of India Act, 1919 provided for the appointment of a Statutory Commission, at the expiration of ten years from the passing of this Act, to enquire into the functioning and progress of the system of government including the development of representative institutions in British India. The British Government appointed the Commission in 1927 ; it was headed by Sir John Simon ; and it was therefore known as the Simon Commission.

Government with the District Magistrates as their Chairman. Their power of taxation in their respective local areas were based partly on enactments and partly on local customs and usages. Over and above, the Government had complete control over the administration.

Lord Ripon's Resolution of May, 1882 made an earnest effort to introduce the principles of self-government in the municipal administration as in the case of rural Boards He proposed that while the ultimate supervision and control should be left in the hands of the Government, the actual municipal administration should be entrusted to the body elected by the concerned local people. He also proposed that the municipalities should look after primary education, sanitation, provision of light, roads, supply of drinking water etc. within their respective areas. Lord Ripon's ideas were realised to a large extent.

Acts were passed for various provinces, providing for the compulsory election of a large proportion of municipal commissioners The Acts also provided for the election of the municipal Chairmen.

As regards the Presidency towns of Calcutta, Bombay and Madras, the history of their local self-government dates back to a much earlier period. Towards the close of the eighteenth century, an Act of Parliament authorised the Governor-General to appoint justices of the peace in these towns. They looked after sanitation and police in their respective areas and had the power to levy rates on the owners and the occupiers of the houses for meeting the the necessary expenditure. The arrangement being inadequate and unsatisfactory, two Acts were passed in 1856 for better muninipal administration of these towns Three commissioners were also appointed in each town. Thereafter, the development of municipal administration in these towns followed different lines. But, on the whole, it could be said that the municipal administration could not meet

the popular feelings and wishes as the municipal Chairman/President was nominated by the Government and was vested, as in the case of Calcutta Corporation, with large independent powers. Moreover, Lord Curzon's undemocratic measure arrested the progressive development of the principles of self-government in the municipal administration.

Ultimately, the three Presidency towns had the same principle of municipal administration- a large corporation with a proportion of elected members, a strong executive authority vested in a Government nominee, with statutory provisions for performance of essential functions such as sanitation and health, water-supply, primary education etc. and adequate safeguards for checking accounts. The Government could intervene in the affairs of the Corporation in case of gross negligence and mismanagement.

CONCLUSION

From a pragmatic political point of view, true and real local self-government can function only in a free democratic state. Therefore, true and real local self-government can not be said to have existed in India under the British colonial rule. Thus, local self-government became a way of Indian political life only on 26th January, 1950 when India became a sovereign democratic republic.

LOCAL SELF-GOVERNMENT UNDER THE CONSTITUTION OF INDIA

In India the foundation of local self-government is a constitutional mandate. Article 40 of the Constitution lays down that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of

of self-government. Legislation in this field is a state-subject as per Article 246 (3) read with Seventh Schedule, List II-State List. Entry No. 5*.

PANCHAYATI RAJ : ITS DEVELOPMENT AND PURPOSE

Soon after attaining independence, the Congress Government under the leadership of Jawaharlal Nehru, the Chief Architect of Planning in modern India, embarked on a systematic programme of development of the country through Five Year Plans. Emphasizing the role of panchayats in rural areas, the First Five Year Plan (1951-56) stated thus : "so long as self-governing institutions are not conceived as part of the same organic constitutional and administrative framework, the structure of democratic government will remain incomplete'.

Thus, we have seen that in India local self-government in the rural areas has been considered as a part and parcel of the rural development programme. A massive Community Development Programme covering all the aspects of rural life was inaugurated by Jawaharlal Nehru on October 2, 1952. And many steps were taken, under the National

* Article 246 (3) reads thus : "Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the "State List"). Entry 5 of List II-State List of the Seventh Schedule reads thus : "Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

Extension Service, to ensure people's participation in the process of development planning by organising non-statutory committees at the village and block levels. A Revised Community Development Programme was started in the middle of 1958 on the recommendations of Balwant Raj Mehta Committee (1957) which was appointed to look into the functioning of various plan projects, including Community Development Programme and National Extension Services, and to suggest measures for maximum economy and efficiency in their implementation In its monumental recommendation, the Mehta Committee recommended 'democratic decentralisation' of administrative machinery at the village, block and district levels by formation of Village Panchayats, Panchayat Samitis and Zila Parishads at the respective levels, to enable the people to participate actively in the implementation of development programmes. The Committee's Report was discussed in Parliament and thereafter the National Development Council (NDC) accepted the recommendation about the establishment of three-tier system. For evoking popular appeal, the name 'democratic decentralisation' was replaced by 'Panchayati Raj'. The States were given option to adopt it with such modifications as suited their special conditions which resulted in lack of uniformity in its implementation.

Rajastan and Andhra Pradesh were the first to implement 'Panchayati Raj'. Its inauguration in Rajastan was done by Pandit Jawaharlal Nehru on Mahatma Gandhi's 90th birthday, October 2, 1959. 'Panchayati Raj' has now been established in all the States and Union Territories except the States of Meghalaya, Nagaland and Mizoram and the Union Territory of Lakshdweep. As on March 31, 1984 there were 2, 17, 319 Gram Panchayats covering 5, 61, 135 villages and about 95 per cent of the rural population, 4526 Panchayat Samitis and 297 Zila Parishads.

'Panchayati Raj' is a three-tier structure of local self-government at the village, block and district levels. All

the 'Panchayati Raj' bodies are organically linked up. Special representation on these bodies is given to interests like backward classes, women and co operative societies. Elected directly by and from amongst villagers, the Panchayats are responsible for agricultural production, rural industries, medical relief, maternity and child welfare, common grazing grounds, village roads, tanks and wells and maintenance of sanitation. In some places they also look after primary education, maintenance of village records and collection of land revenue.

The Panchayat, the cooperative and the school are the basic institutions at the village level for carrying out the programme of democratic decentralisation. The elected Panchayat is in charge of all development programmes and the cooperative functions in the economic sphere. The village school which is also a community centre, looks after educational, recreational and cultural needs of the people. Associate bodies, such as, women and youth organisations, farmers' and artisans' associations functioning in their respective spheres, are linked up with the Panchayat in its development activities and are supported in turn by the Panchayat in their work.

'Panchayati Raj institutions have their own powers of taxation. They levy taxes on houses and certain types of lands, fairs and festivals and sale of goods and impose octroi duties. They also build up remunerative community assets.

The powers and responsibilities of 'Panchayat Raj' institutions are derived not only from the respective state legislations, but also from the procedures—administrative and financial—laid down by State government Gujrat, Maharashtra and Tamil Nadu have invested their institutions with programme responsibilities over a wide range of activities. Some States, namely, Andhra Pradesh

Bihar, Gujrat, Maharashtra and Rajasthan have appointed high power committees to suggest improvements in the working of 'Panchayati Raj' system. The reports of these committees are being examined by respective State governments.

For providing a speedy and inexpensive system of justice to the villagers 'Nyaya Panchanyats' or village courts are functioning in some of the States

CENTRAL GOVERNMENT'S SUPPORT

"Panchayati Raj" was carefully nurtured by Pandit Jawaharlal Nehru. The Second Five year Plan (1956-61), therefore, recommended "the structuring of local government and development of administration at the district level on democratic lines with the village Panchayat organically linked to higher tiers". In the words of Third Five Year Plan (1961-66), "Panchayati Raj" implies "the development of a lot of inter-connected democratic popular institutions at the village, block and district levels in which the representatives of the people in Panchayats, Samitis and Zila Parishads and Co-operative Organisations function with the support and assistance of the various development agencies of Government working as a team"

However, after the death of Pandit Jawaharlal Nehru on May 27, 1964, his successor, Sri Lal Bahadur Shastri, doubted its utility. Thereafter, financial resources of "Panchayati Raj" institutions were cut down and in most of the States Panchayat elections were forgotten or postponed. However, "Panchayati Raj" got revitalised when Smt. Indira Gandhi gave the country the slogan of "Garibi Hatao" and extensive schemes were launched to achieve this objective under the original and the revised 20-Point Programmes When Janata Government came to power in March 1977, the call for grass root democracy again came to the front

A review of the functioning of "Panchayati Raj" institutions was made by Ashoka Mehta Committee (1977), which submitted its report in August, 1978 The most important recommendations at the Committee were . (1) the creation of a 2-tier system of "Panchayati Raj" (instead of 3-tier in vogue), and (2) open participation by political parties in ' Panchayati Raj" affairs These recommendations were considered by the Chief Ministers' Conference in 1979 It rejected the recommendation of 2-tier system and set of guidelines were prepared on the basis of consensus reached at the Conference.

Our present Prime Minister, Sri Rajiv Gandhi has has also shown special interest in "Panchayati Raj". While pioneering many result oriented schemes for rural development and modernisation of the country he has personally written to the Chief Ministers of the States in August, 1985 to pay attention to the development of panchayats and their timely and proper election. The Union Minister of Programme Inplementation, Sri A.B.A. Ghani Khan Choudury (as then he was) also announced in Parliament on August 20, 1986 to revitalise panchayats and co-operatives and local bodies. In his 35-minute speech on the 41st anniversary of independence (Wednesday August 15, 1988) our Prime Minister Sri Rajiv Gandhi further says " .. a weakness in the system was that the benefits meant for the poor soldom reached them. To tackle this problem the government had concluded that there was an urgent need to bolster the "panchayati raj" system. Until we give the people themselves the responsibility, the programme will not be properly implemented"*.

* See The Times of India New Delhi Wednesday August 17, 1988, P I. But the Editorial of "Kisan World" (Sept 1988) observes thus : "The Prime Minister and his close associates have come out with a working

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The Seventh Five Year Plan (1985-90) also lays considerable emphasis on decentralised planning and "Panchayati Raj". The Approach Document* to this plan shows that the measures for poverty alleviation, employment and social justice have to be implemented in an integrated manner with the simultaneous involvement of various disciplines or departments in a decentralised framework and the participation of people at the grass roots level through village panchayats, panchayat samitis, zila parishads etc. The Seventh Five Year Plan provides for an outlay of Rs. 416.15 crore in the States' and Union Territories' sector for the Community Development and Panchayati Raj institutions In addition, States whuld be called upon to activise "Panchayati Raj" bodies with a view to ensuring their active involvement in the planning and implementation of special programmes of rural development, particularly those concerned with proverty alleviation and the provision of Minimum Needs Programmes (MNP).

MAIN DRAWBACKS IN "PANCHAYATI RAJ" INSTITUTIONS' FUNCTIONING

The different surveys of "Panchayati Raj" institutions' functioning were unanimous in pointing out lack of interest, almost at every stage. The main drawbacks pointed out are briefly these · (1) About two-third of the

paper on decentralised planning. The emphasis is on entrusting the district administration to the collectors rather than to the people elected zila parishad chairmen. Unless there is a national consensus on the basic features of panchayati raj, especially when the non-congress (I) states are experimenting with decentralised administration, the PM's plan might not take off".

* It was approved at the meeting of NDC held on July 12-13, 1984.

people who ran Panchayats and Samitis have received no training to make themselves conversant with their duties and responsibilities ; (ii) A very large population of elected leaders belonging to upper class/caste, who indulge in discrimination against the lower caste and poor people ; (iii) Lack of proper finances : (iv) The plan process at the Panchayat level has no scientific basis ; (v) The leadership at the block and village levels has not shown enough awareness and capacity to give priority to development

But we must concede that the varying interest shown in "Panchavati Rai" institutions by the government in power has reflected on their performance. Thus in such states like Gujrat, Karnataka, Maharashtra, West Bengal, Andhra Pradesh, etc. "Panchayati Raj" institutions have achieved a great success in the implementation of rural and community development programmes while in most of the states "Panchayati Raj" institutions have been in mere peripheral status In this respect, we may take up as prototype for "Panchayati Raj" in India, Karnataka which has shown how democracy could be taken to the very doorsteps of people and where the Zila Parishad Chairman enjoys the status of a Minister of State and the effective chief executive to whom even the chief secretary, an IAS officer, will report. Therefore, the drawbacks listed above in the functioning of "Panchayati Raj" institutions can be removed if the government in power has given genuine interest in them

CONCLUSION

The primary object of "Panchayati Raj" is to enable the people of each area to achieve intensive and continuous development in the interest of the entire population. Thus "Panchayati Raj" seeks to create a Government of the people, for the people and by the people. But the success

of any institution depends not on its constitution but upon those who run it. So the implementation of "Panchayati Raj" programme in States would depend on the attitude of the Chief Minister and the interest shown by the Minister in charge in execution of the programme. In addition, the representatives of the people—MPs, MLAs and MLCs—should also make their positive contribution by attending the meetings of Panchayat Samitis and Zila Parishads, and move about in their constituencies to enlighten the masses of their rights and duties. Resisting the temptation of respective political or party considerations, they should cooperate with the officials and non-officials at all levels and offer constructive suggestions in their speeches on the floor of the Legislatures During his tours of the countryside the District Collector should also devote some time to oversee the functioning of Panchayati Raj institutions. The vigour and enthusiasm of available educated, enlightened and devoted rural youths has to be fully utilised for inculcating in the rural masses a sense of participation in the functioning of "Panchayati Raj" and implementation of development programmes with a conviction that by their own efforts they can improve their moral and material condition.

LOCAL BODIES IN URBAN[1] AREAS

In 1981 there were 3, 349 towns and 5, 57, 138 inhabited villages in India, Amongst the States, Uttar Pradesh had the largest number of towns (704), followed by Tamil Nadu (434), Madhya Pradash (327) and Maharashtra (307). Nagaland had 7, Sikkim 8, Tripura 10, Himachal Pradesh

1. According to 1961 census only those areas where three-fourth of the population was dependent on non-agriculture were called "Urban". An urban area has also been defined to mean (a) all places within a municipality,

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47, Jammu and Kashmir 58 and Haryana 81 towns Andaman and Nicobar Islands and Dadra and Nagar Haveli had one town each while Delhi had 30 towns Uttar Pradesh had 1,12,567 inhabited villages; Madhya Pradesh 71, 352; Sikkim, 440

There were 12 cities with a population of 10 lakh and above recorded in 1981 These are Calcutta, Greater Bombay, Delhi, Madras, Hyderabad, Ahmedabad, Bangalore, Kanpur Pune, Nagpur, Lucknow and Jaipur. These cities are known as Metropolitan cities[3].

CORPORATIONS

Local bodies called corporations established under specific Acts of the concerned State Legislatures are in charge of local affairs of major cities These are headed by elected mayors The administration of the city vests in an elected council and the powers of the corporation are exercised by three authorities (i) general council, (ii) standing committees, and (iii) the municipal commissioner/chief executive officer. The standing committees are elected by the council and carry out most of the work of administration including taxation, finance and

corporation, cantonment board or notified town area committee, (b) all other places which satisfy these criteria (i) a minimum population of 5,000, (ii) at least 75 per cent of male working population engaged in non-agricultural pursuits; and (iii) a density of population of at least 400 persons per Sq Km

2 Indian census calls an urban area with a population of 1,00,000 and over as a 'City' and urban areas adjacent to cities with a population of 1,00 000 and over are called "Town Group'

3 A city is regarded as metropolitan when it crosses one million (1,000,000)

preparation of budget, engineering work, health and education services. The power of sanctioning estimates and contracts vests in the three authorities up to specified amounts The general council appoints most of the officers of the corporation but the municipal commissioner is appointed by the State Government. The executive powers of the corporation generally vest in the municipal commissioner, who prescribes the duties of the various officers, and supervises their work The functions of the municipal corporation include public safety, health, education and other conveniences of the citizens as well as construction and maintenance of water works and sewerage, streets and bridges parks and recreation grounds, markets and shopping centres and so on Major corporations also undertake works of housing and land development. There is, however, a growing practice of entrusting these works to special urban development authorities. There were 73 municipal corporations in the country as on 1st April 1985. The Calcutta Corporation Act has been recently amended to provide for the system of Mayor-in-Council.

MUNICIPALITIES

For all other towns and cities, there are municipalities, having elected boards or councils which in turn elect their own presidents All the members of a municipality constitute general body, which decides all questions of policy and important details of municipal administration. The powers of passing the budget, imposing taxes, voting expenditure and making rules and regulations, vest in the general body The municipal council, however, mostly functions through committees which exercise delegated powers or make recommendations to the council. The day-to-day work of the municipality is carried on by an executive officer drawn sometimes from state civil service or a state-wise cadre of municipal officers. In many states.

however, the municipal councils continue to appoint their own executive officers and other officers.

CANTONMENT BOARDS

Cantonments were established under the Cantonments Act, 1924 to safeguard the health welfare and security of of the armed forces personnel who had to reside in them. The Act also provides for municipal administration for the civilian population in cantonment and allows representation from the civilian population in cantonment administration. A board is constituted in each cantonment comprising elected, nominated and ex officio members who function under the administrative and financial control of the GOC-in-C of Command

Cantonments are classified as Class I, II and III, depending on the civil population in each case Of the 62 cantonments 30 are Class I, 19 are Class II and 13 are Class III With the prior approval of the Government, Cantonment Boards are empowered to impose such taxes within their area ... being levied by the neighbouring municipality However, as the revenue so realised is, in most cases, not enough to enable the Boards to balance their budgets, they have to be assisted by grants-in-aid from the Government.

The Cantonment Act, 1924, was amended in 1983. The Amended Act, among other things, empowers the Government to review any decision of the Cantonment Board or order of the GOC-in-C in matter pertaining to the Board's administration. The Government could also issue directions to the Board to impose a new tax or to enhance rates of existing taxes, in order to improve the financial position of the Board.

URBANISATION AND INDIA'S FIVE YEAR PLANS

When we concentrate our attention on the provisions of the various Five Year Plans of India with regard to urban development and the rural-urban relations, it appears that due to predominance of the rural sector in the Indian economy, the planners and decision-makers have not given sufficient thought to the spatial consequences of economic decisions which are necessary for balanced regional development and as a result the urban sector could not have a defined objective and place as an essential component of national development strategy. In the first two Plans of India, inadequate attention was given to the problem of spatial planning and urban development and only sporadic references are found in respect of rural-urban relations. The Third Five Year Plan, after realising the problem of regional imbalances made an attempt to throw light on housing and urban and rural planning. But upto the Third Five Year Plan, urbanisation was discussed as a matter of industrial location policy and town planning dominated by housing needs and very little attention was paid to the economies of urban development.

The Fourth Five Year Plan referred at length to the need for redressing inter-state and intra-state imbalances in development which included by implication the rural-urban problems as well. The plan pointed out that 'A beginning must be made by tackling the problem of larger cities and taking positive steps for dispersal through suitable creation of smaller centres in the rest of the areas". A working group appointed on urban development suggested area-wise studies that would help in building up a region-wise physical development pattern that would include both rural and urban areas. The Fourth [illegible] provision of Rs. 188 crore in the States' sector [illegible] development,

housing and metropolitan schemes and Rs 10 crore in the Central plan as a share capital for establishment of a Housing and Urban Development Finance Corporation. But the amount was too negligible to meet the ends.

Since the Fifth Five Year Plan, the Government as well as the Planning Commission has been stressing the need of slowing down the rate of urban growth at the metropolitan level and check up the accelerated exodus from the rural areas to the urban areas and augmenting the pace of urbanisation at the level of small and medium centres. The Draft Five Year Plan 1978-1983 accepted planned urbanisation as a necessary component of the infrastructure of economic development and put the thrust of the urbanisation policy on slowing down and if possible reversing the rate of growth of the metropolitan cities and increasing the rate of the growth of the small and medium towns. This Plan report also contained specific awareness of the need for integrating rural and urban development for the first time in Plan documentation. For giving greater emphasis to the provision of infrastructural and other facilities to the small towns and to equip them to act as growth and service centres for the rural hinterland, it proposed increased investments which included the items like housing, water supply, communication facilities and others. Along with it the Plan proposed and allocated funds for improving the living conditions of the urban poor of larger cities and raising civic services upto acceptable levels. The Plan had proposed an outlay of Rs 752 crore under Urban Development Programmes as against Rs 505.46 crore in the Fifth Plan on various items like Environmental Development and Slums, Urban Development Programmes, Integrated Development of Small and Medium Towns, Integrated Urban Development, etc.

The Sixth Five Year Plan 1980-85 also approved the policy of integration in rural-urban development and

accepted the notion of balanced approach as an essential aspect for "ensuring an orderly process of urbanisation along with the overall development of the country." The Plan envisaged an outlay of Rs 07 3 crore for urban development and along with the policy of expansion of the amenities to the urban centre it emphasised the need of research and development in order to ... the policy formulation for accelerating the pace of growth small town making the rural urban relations ... and strengthening ... bodies so that they play a greater role in ... and implementation of urban services.

Thus, attempt had been made to integrate the urban development into the Plan ... the Fourth Plan but financial resources ... that the implementation of ... policies remains in fiasco. The lack of ... has taken the rural urban links ... path ... of the Plan proposals. Thus, to some extent, urban development has been ... its integration with the development ... but in practice, it has been ... provision of amenities in the urban centres and little attention has been concentrated on ... urban development and spatial consequences ... and co-ordination of economic planning with the urban-rural spatial planning.

The Seventh Five Year Plan envisages a total outlay of Rs 4259 59 crore for Housing and Urban Development. Of the total outlay Rs. 457 88 crore is in the Central Sector and balance of Qs 3801 62 crore is in the States' and Union Territories' sector. The Seventh Plan also envisages under Minimum Needs Programme an outlay Rs. 269 55 crore in States/U T's Plan for environmental Improvement of Urban Slums and the target is that by 1990,9

million slum dwellers out of remaining 17·5 million would be covered under the programme.

URBAN DEVELOPMENT DURING SIXTH FIVE YEAR PLAN (1980-84)

The Sixth Five Year Plan emphasised the development of small, medium and intermediate towns. Urban development is seen as complementary to rural development so that policies affecting the process of urbanisation would strengthen the links between the cities and their hinterland, The objective of the Sixth Plan was to strengthen the small and medium towns for increased investments in housing, water supply, communication, education, medical care, recreation, etc. It is was envisaged that positive incentives would be givenfor setting up new industries and other activities in these towns accompanied by improvement in power and telecommunication facilities. With this objective in view, a Centrally sponsored scheme for the development of small and medium towns with a population less than one lakh has been in operation since December 1979.

The Sixth Plan made a provision of Rs. 96 crore in the Centre sector in order to support the integrated development of 231 small towns during the plan period. The Central Government financed schemes for shelter, transportation and economic activities to the extent of 50 per cent of the project cost or Rs. 40 lakh whichever is lesser subject to matching funds from the state agencies. The state governments further undertook investment in water supply, sanitation, slum improvement and social facilities as a part of the integrated project. Low cost sanitation had also been introduced as an item for Central assistance under the scheme. State Governments were entitled to Rs. 15 lakh and above Rs 40 lakh available under the scheme for low cost sanitation, provided they proposed to spend at least Rs. 12 lakh on low cost sanitation schemes out of

their own funds The projects are appraised by the Town and Country Planning Organisation. 235 towns had been approved out of 237 towns and a Central loan assistance of Rs. 63 44 crore had been released up to 31 March 1985.

ENVIRONMENTAL IMPROVEMENT OF URBAN SLUMS

The Sixth Plan period envisaged covering of one crore slum dwellors at an estimated cost of Rs. 151 4 crore in the various schemes of environmental improvement of urban slums (EIUS). The scheme formd part of the minimum needs programme. This was in continuation of the scheme introduced in 1972 under which amenities like water supply, sewerage, sanitatiion, paved pathways, community latrines and street lighting were provided to slum dwellers in selected urban areas. During 1983-84 and 1984-85, an amount of Rs. 10·97 crore and Rs. 10 crore respectively was released to the states under the Central incentive grant scheme introduced in 1983-84. During the Sixth Plan period as on 31 December 1984, 84·6 lakh slum dwellers had been covered in the various states and union territories as per the progress report received from them.

HOUSING AND URBAN DEVELOPMENT CORPORATION

The Housing and Urban Development Corporation (HUDCO), a Government undertaking set up in 1970 as an apex organisation provides loan/finance for Housing in urban areas of India with a primary emphasis on the promotion of housing for the persons belonging to low income groups and economically weaker sections.

TOWN AND COUNTRY PLANNING ORGANISATION

The Town and country Planning organisation (TCPO) also provides technical guidance and assistance to all state Governments and Union Territory administration in respect of Urban and regional Development. TCPO also undertakes project work for Development on consultancy basis from public undertakings and local bodies. But TCPO is a technical advisory body on these matters.

LOCAL SELF-GOVERNMENT IN MANIPUR: ITS DEVELOPMENT AND PURPOSE

A. A HIGHLY CENTRALISED SYSTEM OF ADMINISTRATION BEFORE 1947 :

It cannot be denied that the form of government of a particular state determines the system of public administration of the state. Therefore we must look into the form of government that has been functioning in Manipur for tracing the historical development of local self-government in this state. In the following lines an account of the form of government of early Manipur State is given* ;

Monarchy was the form of government in early Manipur. The subjects considered their king as the vice-regent of God. Thus, early Manipur was a theocratic state. Law and religion were hardly distinguishable from each other

In those early days the king administered his country in pursuance of a system called 'Lallup'. For this system the entire Meitei population was divided into 'pannas'. The 'pannas' are like districts or sub-divisions in a modern state. Each 'panna' consisted of a number of families and tribes The head of each family or tribe would select from his family or tribe the men who can render service (Lallup) to the king for and on behalf of the 'panna' to which they belonged. The origin of the 'Lallup' system in Manipur had a very remote antiquity.

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* Vide M. Ibohal Singh : Constitutional & Legal History of Manipur with Customs & Laws of Tribal Peoples of Manipur 1st Edition 1986, Chapters II & III.

The liability to 'Lallup' commenced as soon as a man reached the age of seventeen when he also became entitled to cultivate one pari of land with tax in kind exacted by the Raja. A man liable to 'Lallup' had to attend 'Loishang (royal office) ten days and to do work according to his skill and grade The following thirty days he remained at home. In default of his Lallup' the man had to forfeit one rupee, and for this sum a substitute was hired There was also a branch of 'Lallup' called' 'khundin' the duty of which was to see that man liable to Lallup' performed their work well

' Lallup" covered all the state works In times of peace it did work for economic development of the country, in times of war it did military services For due and efficien working of the Lallup' the 'pannas were minutely divided, the total number of divisions reaching the high figure of 107 Nearly all the divisions had an office known as the "Lallup Chingba' who was an active intermediary between the officers at the capital and the men in the villages As a matter of fact there was hardly any work which was not covered by Lallup' F.W Dun says "In fact except the lowest kind of service there is scarcely any which is not performed by some part of the Meithei population"

The heads of the pannas' were the appointees from amongst the favourites of the king Their immediate families enjoyed the exemptions fr performance of any heavy duty

The non-meiteis also performed 'Lallup' The Mayang were employed as grass cutter ; the Mussalmans, as carpenters and potters but chiefly as sepoys and buglers. They served Lallup' with the pannas

But the hill villages in the interior hills were exempted from the libility to 'Lallup' They paid house-tax of Rs. 2/ per house per year. But the chiefs had to attend

'Loisbang' (royal office) once in a year, to give the king nominal presents of 'Pannaos' and 'singnaos' (roots of kachu and ginger) and to perf rm a festival known as "Mera Haojongba". They had also to render service to the king whenever they where required to do so.

From time immemorial 'Lallup' system had been in practice in Manipur It was, finally, abolished at the time of the coronation of Sir Churachand Singh*.

From the discussion in the foregoing sections, it is clear that 'Lallup' system was the pivot of the governmental machinery of the early Manipur State. 'Lallup' was duty owed to the king by a male adult not below the age of seventeen years

Besides the 'Lallup' system, there was another system of work-allocation called "Yumnak Mashin". "Yumnak" (household) of the seven Salais had its own "Mashin" (work).

While "Lallup" was the service rendered to the king by a male adult by attending the royal office, 'Yumnak Mashin" was the work done by each Yumnak' ; and the name of the 'YUMNAK' was given according to the work that the 'Yumnak' had been doing

During his reign in Manipur (1074-1112 A. D) Meidingu Loiyumba promulgated a constitution called 'Loiyumba Shinyen' This is the first written constitution of Manipur The constitution had been in force in Manipur upto 1891 A.D (for nearly eight centuries), with some modifications from time to time The constitution embodied the traditions and customs that were followed by the kings who had reigned before Meidingu Loiyumba, the early Meitei polity, the land tenure system, administration of justice and social organisation, etc. However, the early form of government—absolute monarchy based on theo-

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* On 29th September, 1982 A D.

cracy—continued to exist. Whatever the king ordered was to be followed by his subjects, and that was law The king promulgathd his orders once or twice in a month for the purpose of administration.

After the Anglo-Manipur War 1891 A D., the State of Manipur was taken over by the Government of British India ; minor Churachand Singh was appointed the Chief of Manipur. A Sanad was issued to him to that effect The Sanad provided for the complete subordination of the Manipur State under the Government of British India. Practically, Manipur became a vassal State. During the minority of Churachand Singh, the administration was entrusted to the Political Agent and Superintendent of the State under direct control of the Chief Commissioner of Assam. The Political Agent and Superintendent was given full powers to introduce any reforms that he considered beneficial, but with instructions to pay due regard to the customs and traditions of the Manipuris and to interfere as little as possible with the existing institutions.

Later on, the process of decentralisation started in the administration of Manipur On 14th Hiyangei (October-November) 1892 A D. village Panchayats were established[1]; later on, on 30th Hiyangei 1903 A D. panchayats were set up in the villages of Kakching Khulen, Sekmai Khunbi, Sikhong Ningen[2]. In each of the village panchayats 5 (five) members sat ; all were elected by open ballot Two of the members were to retire every two years by rotation. Subsquently they, after election, set permanently[3]. But the functions of these panchayats were mainly adjudicatory rather than administrasive.

1. See Cheitharol Kumbaba, P. 515 edited by L. M. Iboongohal Singh and Khelchandra Singh.
2. idid. P. 531.
3. See L.M. Iboongohal Singh : Introduction to Manipur P. 104.

On attaintment of majority, on 3rd Kalen (April-May), 1937 the charge of the Manipur State was handed over to Churachand Singh. He had to administer the State in pursuance of a set of rules known as the Rules for management of the Manipur State issued and sanctioned by the Government of India Under the said Rules, the Maharaja was assisted in his administrative works by a Darbar consisting of an Officer (known as the President selected by the Assam Government) and of at least 3 (three) Manipuri Officers who were in charge of their re pective departments. A Darbar member was responsible for the department whereof he was charge The President could refer to the British Government through the Political Agent any matter effecting any State Department. The Finance department of the State was directly or indirectly under the control of the British Government Regarding the administration of justice reference could be made by the Political Agent of Manipur to the Government of Assam for necessary orders in cases in which justice had not been done by the Darbar. But before making the reference, the Political Agent had to consult the Maharaja

'Lakpas' and 'Moujadars' were officers entrusted with administration on the spot. Their functions were mainly revenue collection At the same time they were given administrative powers and functions. Practically they were all-in-all in the administration of the areas of which they in charge*. They were first under the control of the

* An old experienced petition-writer : N Brajamani Singh of Jiribam Babupara, Jiribam Sub-Division gives the author a very interesting account of the Moujadar period in this Sub-Division, from his own personal experience ; Moujadar was regarded almost like a king. He could to everything : Police, sanitation and health, forests, trial of cases—both civil and criminal, revenue

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Political Agent and Superintendent of the State, and then under the control of the Maharaja assisted by the Manipur State Darbar.

In the hill areas illiterate 'Lambus' and 'Kompaks' were the administrative officers on the spot It was an open secret that in those days 'Lambus' and 'Kompaks' oppressed the innocent hill people in order to extract money from them The officials in the head office could not but approve of their report as it was very difficult, though not impossible, to check everything they had done.

In 1947 a form of responsible government was established in Manipur under the Manipur State Constitution Act, 1947* There was a Council of six Ministers who were elected by the Manipur State Assembly comprising representatives elected, on adult franchise and on the principle of joint electorate from General, Hill and Mahomedan constituencies at the ratio of 30 18 3 with additional two seats for the representatives of educational and commercial interests. The Ministers were in charge of their own portfolios But the Chief Minister** was appointed by the Maharaja So there was no full fledged democracy in

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collection, primary education, public works—construction of bridges and village roads, relief-works in cases of natural calamities, were all entrusted to him He was a favourite of the Maharaja of Manipur

* The Constitution was enacted by the Care Taker Government (14 8 1947-7 8 1948) which was constituted by nomination by H H the Maharaja of Manipur, Sjt Bodhchandra Singh with seven personnels. Vide Legis News Vol. I No. I PP. 3 & 4.

** M. K Priyobrata Singh, younger brother of Bodhchandra the Maharaja, held the office of the Chief Minister The appointment was made under Section 10 (e) of the Constitution

Manipur under the Manipur State Constitution Act, 1947. But the Constitution did not operate long as the Manipur State was merged with the Indian Dominion on 15th October, 1949 under the Merger Agreement[4].

From the the above discussions we can come to the conclusion that there was no system of local self-government in Manipur before 1947. There was a hghly centralised system of administration and the officers for administration were put direct under the control and supervision of the the State Government. Besides it, the functions of the then Government of Manipur were based on the poilosophy of Police State. That is to say, defence, maintenance of law and order, suppression of revolt etc. were the main concern of the then government Further, the Manipur State Constitution Act, 1947 remained silent as to the matter of local self-government institutions in the valley of Manipur. But Section 38 of the Constitution provided that the local authorities in the Hills should exercise such powers of local self-government as may be laid down in the Manipur State Hill Peoples (Administration) Regulation, 1947. However, it cannot be denied that the first general election held on the basis of adult franchise in the ratio of 30 (General): 18 (Hill): 3 (Mahomedan) under the Manipur State Constitution Act, 1947 sowed the seeds of democracy in Manipur.

4. However, it has been held that such provisions of this Constitution will continue to remain in force as are not repugnant to the provisions of the Indian Constitution under Article 372 of the latter, vide Heisnam Baruniton Singh, petitioner Vs. Thokchom Ningol Heisnam Ongbi Bhani Devi and others, A.I R. 1959 Manipur 20 (V 46 C II); also Ram Manohar Lohia Vs. S. Sundram, (s) A I R. 1955, Manipur 41.

B. LOCAL SELF-GOVERNMENT FROM 1947.

In the hill areas of Manipur local self-government was introduced in 1947 under the Manipur State Hill Peoples (Administration) Regulation, 1947*. As stated earlier, Section 38 of the Manipur State Constitution Act, 1947 provided that the local authorities in the Hills should exercise such powers of local self-government as may be laid down in the Manipur State Hill Peoples (Administration) Regulation, 1947 From the year 1947, the responsibility for administration in the Hills was vested in the Maharaja in Council and exercised in accordance with the Manipur State Constitution Act and the provisions of the Regulation as amended from time[5]. For the Hill Administration executive officers also were appointed in accordance with the Rules for the Manipur State Appointment Board[6].

Chapter II (Sections 5-9) of the Regulation specified Local Authorities to be established in the Hill areas as provided in the Schedule thereto. For the purpose of administration all the villages to which the Regulation applied were grouped into Circles and Sub-Divisions as provided in the Sechedule to the Regulation[7].

* The Regulation was enacted by the Care Taker Government (14 8.1947—7.8 1947) which had enacted the Manipur State Constitution Act, 1947.

5. The Manipur State Hill Peoples (Administration) Regulation, 1947, Section 3.

6. ibid. Section 4.

7. ibid. Section 5,

CIRCLES UNDER THE REGULATION :

In the Sadar areas there were three Circles, namely, adar Circle No. 1 (176 villages), Sadar Circle No. 2 (67 illages), Sadar Circle No 3 (174 villages). In Ukhrul reas there were three Circles—Ukhrul Circle No. 1 (108 illages), Circle No. 2 of Ukhrul East Sub-Division (70 illages of less than 20 tax-paying houses) and Circle No. of Ukhrul East Sub-Division (59 villages of 20 and more ax-paying houses)*, and Ukhrul Circle No. 3 (166 villages n the Tengnoupal and Mombi Circle). In Tamenglong reas also there were three Circles—Tamenglong Circle No. (115 villages of which 16 villages were without Village uthority), Tamenglong Circle No. 2 (58 Kuki Villages in Northern Circle, West Sub-Division) and Tamenglong ircle No. 2 (60 Naga Villages in Northern Circle, West ub-Division)*, and Tamenglong Circle No. 3 (62 villages n Southern Circle, West Sub-Division Thanlon)[8].

VILLAGE AUTHORITIES AND CIRCLE AUTHORITIES

In each village of 20 tax paying houses or over there was constituted a Village Authority which was nominated in ccordance with the custom of the village and consisted of he Chief or Khullakpa of the village with his council of lders. The concerned S.D.O had to formally recognise a Village Authority so nominated ; he was the final authority n matters concerning the appointment and constitution of Village Authority ; but appeal could lie to the Minister n charge of Hill Administration against the S.D.O.'s ecision[9].

In both cases Circle No. 2 was bifurcated. Ukhrul Circle No. 2 was bifurcated on the basis of 20 and more tax-paying and less than 20 tax-paying houses. Tamenglong Circle No. 2 was bifurcated on the basis of Kuki and Naga villages.

8 ibid. Schedule thereto.

9 ibid. Section 6.

In each of the above stated Circles, there wa constituted a Circle Authority which comprised a Circ Officer and a Council of Five Members elected by th Village authorities falling within the Circle. The concerne S.D.O. had formally to recognise a Circle Authority s constituted ; he was the final authority in matters concer ning the election and constitution of the Circle Authority but an appeal could lie to the Minister in charge of Hi Administration against his decision[10]. The followir diagram shall clearly show us the organisation of the loc authorities under the Manipur State Hill Peoples (Admini tration) Regulation, 1947 :

Minister in charge of the Hill Administration.



Sub-Divisional Officer.



Circle Authority/Circle Authorities.



Village Authorities.

Here the 'arrow mark' is used to denote that fir Village Authorities were constituted, then Circle Authority Authorities was/were constituted and that the concerne S.D.O supervised them under the control of the Minist in charge of the Hill Administration.

Election to the Circle Authorities were to be hel triennially in the first week of November. The Sub Divisional Officer acting through the Circle Officer wa responsible for carrying out the elections within each Circl In all Electorate matters the decision of the Minister i charge of Hill Administration was final. A village of les than 20 tax paying houses at the house counting immediatel prior to the election was not entitled to vote in the electior In village with houses in excess of this number the followin votes could be recorded :—

10. ibid. Section 7.

20—50	Tax paying houses	. .	One vote
51—100	,, ,, ,,	. .	Two votes
101—20	,, ,, ,,	. .	Three votes

In villages with more than 200 tax paying houses, one additional vote could be recorded for every 100 houses in excess of 200[11].

From the above discussions as to the constitution and formation of a Village Authority as well as a Circle Authority, it is clear that true democratic principle was not followed. A Village Authority was not elected but was nominated according to the village custom. So it canot be said that a Village Authority was a representative body constituted in a democratic way. Besides it, as per Section 6 of the Regulation, a village having less than 20 tax paying houses could not have its own Village Authority. Thus, in Tamenglong Circle No 1 there were 16 villages without Village Authorities[12]. Again Villages of less than 20 tax-paying houses could not cast their votes at the election to the Circle Authority. Thus, 70 villages in Circle No 2 of Ukhrul East Sub-Division were deprived of their rights to vote at the said election as each of those villages had less than 20 tax paying houses[13]. Therefore, it cannot be said that a Circle Authority was a local body fully representing the people residing within its jurisdiction. Further the Circles were organised on the basis of ethnic considerations, e.g., the formation of Tamenglong Circle No 2 was made on the basis of Naga Villages and Kuki villages.

11. ibid. Section 9.

12. ibid Schedule thereto.

13. ibid, Section 9 (ii) r/w Schedule to that Regulation.

POWERS AND FUNCTIONS OF THE CIRCLE AUTHORITIES :

Subject to the provisions of the Regulation[14], a Circle Authority had to discharge these powers and functions, within its local jurisdiction :

(1) Administration of Lower and Upper Primary Education under the general supervision of the State Educational Department

(2) Construction and maintenance of all briddle paths and bridges other than iron bridges, constructions and maintenance of all public buildings of Katcha or semi Katcha type and the maintenance of Pucca Buildings, under the general supervision of the State Public Work Department ;

(3) Collaboration with the State Medical Department in respect of the measures for the betterment of the Public Health and control of diseases ; encouragement of personal hygiene and the provision of clear water supplies.

(4) Collaboration with the State Forest Department in respect of the administration of all State Reserve Forest or Mahals ; demarcation of new area as Forest Reserve, preservation of timber in open reserves levy of fees for the issue of permits for cutting timbers ; checking of wasteful and unnecessary firing of the Hill sides ; reduction of areas under Jhum Cultivation, etc.

(5) Encouragement of better means of agriculture ; introduction of improved seeds, spread of wet rice and terraced cultivation ; prevention of Jhum Cultivation in Jhum land once relinquished, subject to general supervision of the State Agricultural Department.

14. idid. Section 12.

(6) Maintenance of Land Records within the Circle; assessment and collection of taxes on the land or other immovable property, subject to the Rules and Regulations issued by the State Council.

(7) Execution of any responsibility vested in it in respect of the powers and functions enumerated from clauses (1) to (6)[15].

(8) Maintenance of law and order[16].

(9) Discharge of the ordinary duties of the Police in respect of crime where there was no Village Authority[17].

(10) Responsibility for arrangement of accommodation for officers of the State travelling on duty[17-A].

JUDICIAL ADMINISTRATION IN THE CIRCLES.

Judicial Administration was vested in the Court of the Circle Authority In any area for which there was no Village Authority, original criminal powers were to be exercised by the Circle Bench of that area[18]. The Court of the Circle Authority was given the powers of the Magistrate First Class under the Code of Criminal Procedure. The Court comprised the Circle Officer and any two members of the Circle Council[19]. The Court had also Civil jurisdiction. It could try all the suits of the value of not more than Rs 1,000/- in which both the parties should reside within the Circle which did not fall within the competence of a Village Authority[20]. The Court had also

15. ibid. Section 13.
16. ibid. Section 14.
17. ibid. Section 15 (a).
17-A. ibid. Section 73.
18. ibid. Section 23.
19. ibid. Section 25.
20. ibid. Section 44.

appellate jurisdiction. It could hear appeals filed aginst the decisions of the Village Authorities, both in criminal and civil cases[21]. But in its judicial functioning the Court of the Circle Authority was controlled by the Hill Bench at Imphal[22]. It also decided cases involving land disputes on reference to it by the Village Authorities within its local jurisdiction[23]. The Court of the Circle Authority was guided by the principles of the Indian Evidence Act 1872 in all Criminal Cases and Civil Suits[24].

FINANCIAL PROVISIONS OF CIRCLE AUTHORITIES[25] :

In February of each year a Circle Budget was prepared. The Budget comprised provision for funds for the administration of the matters under the particular responsibility of the Circle Authority during the ensuing financial year On the Receipt side of the Budget were shown all anticipated receipts of the State Revenue including all judicial fines levied by the Circle Bench, proceeds from the sale of Court Fee stamps and all miscellaneous receipts On the Expenditure side were shown all the expenditure required for the administration of those subjects under the particular responsibility of the Circle Authority and for the day to day administration of the Circle Head Quarters and staff The Budget when complete was forwarded by the concerned Sub-Divisional Officer to the Minister in charge of the Hill Administration who passed the same with his comment to the State Finance Department The concerned Sub-Divisional Officer was competent to sanction expenditure on any

21. ibid. Sections 31 & 42.
22. ibid Section 32 & 45.
23. ibid. Section 60.
24. ibid. Section 58.
25. ibid. Chapter V.

item for which provision was made in the Circle Budget. But he could not sanction expenditure in excess of the Budget Provision or reappropriate from any head without the express sanction of the Minister in charge of Hill Administration. All bills for payments to be made by the Circle Officer were drawn by him and were submitted to the Minister in charge of Hill Administration through the concerned Sub-Divisional Officer who countersigned it. In preparing the Circle Budget the principle to be followed was that the total expenditure on Hill Administration under all heads in a financial year was equal to or above the sum similar to 17½% of the average real revenues of the State for the immediate preceding three years. The Circle Authority could, with the previous sanction of the Minister in charge of the Hill Administration, levy local rate or cess within the circle for the provision of funds for local improvement schemes. Accounts of the Circle Authority were maintained in accordance with instructions issued by the State Finance Department and were subject to Audit by the State Audit Officer.

POWERS AND RESPONSIBILITIES OF THE VILLAGE AUTHORITIES :

(1) The Village Authority was responsible for maintenance of law and order within its local jurisdiction[26]. Thus, it discharged ordinary duties of the Police in respect of crime committed within its local limits. It had to report to the Circle Officer regarding the Commission of any heinous offence within its jurisdiction[27].

(2) Besides the above police functions, the Village Authority could also try these criminal cases, such as, theft including theft in a building, mischief except mischief

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26. ibid. Section 14.
27. ibid. Section 15.

by fire or any explosive substance, cattle theft and illegal slaughter of cattle simple hurt, assault or using criminal forces etc.[28] It could also try civil cases of the value of not more than Rs 500/- in which both the parties reside within its jurisdiction[29]. But it discharged its judicial powers and functions subject to the appellate jurisdiction and control of the concerned Circle Bench[30]

(3) It also decided dispute regarding the ownership of land or the right of cultivation over land within its local jurisdiction subject to the appellate jurisdiction of the concerned Circle Bench[31]

CRITICISM OF THE REGULATION

From the careful examination of the Manipur State Hill Peoples (Administration) Regulation 1947 we can come to the conclusion that the local bodies Village Authorities and Circle Authorities—were not established on sound democratic principle under the Regulation. Therefore, it cannot be said that those local bodies fully represented the popular will of the concerned local inhabitants. In addition the Regulation [illegible] "universal adult suffrage—one man one vote"* for the purpose of the constitution of those local bodies. The Regulation was [illegible] decentralisation [illegible] administrative power in which for the sake of uniformity the central government (the Maharaja of Manipur) passed laws, leaving local bodies to administer them. But we must concede that the Regulation sowed the seed of democratic decentralisation in the administration of local affairs in the hill areas of Manipur.

28 ibid, Section 24.

29 ibid Section 39 & 40.

30 ibid Section 31, 41 & 42.

31 ibid. Section 60.

* See page 63 supra of this Chapter.

REPEAL OF THE REGULATION

The Regulation in so far as it related to the constitution and functions of Village Authorities and the administration of justice, both civil and criminal by the Courts of Village Authorities, was repealed by the Manipur (Village Authorities in Hill Areas) Act, 1956 (80 of 1956)*.

C. DISTRICT COUNCILS AND PANCHAYATI RAJ INSTITUTIONS.

In the ysar 1971 the Manipur (Hill Areas) District Councils Act, 1971 was enacted by Parliament for the establishment of District Councils in the Hill Areas of Manipur. Now there are six such councils in Manipur[32]. In the year 1960, in the valley villages of Manipur Gram Sabhas and Nyaya Panchayats were established under the United Provinces Panchayat Raj Act, 1947. The Act was extended to the villages of Manipur excluding the area to which the Manipur (Village Authorities in Hill Areas) Act, 1956 was extended. Later on, Manipur Legislative Assembly enacted the Manipur Panchayati Raj Act, 1975[33]. This Act replaces the United Provinces Panchayat Raj Act, 1947 and envisages a three-tier-system —Gram Panchayat at the village level, Panchayat Samiti at the Block level and Zila Parishad at the District level. The Act follows All-India-Pattern of Panchayati Raj introduced in 1959.

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* See Chapter 3 infra for detailed discussion.

32. Detailed discussion on the Act is given in Chapter 4 infra.

33. Detailed discussion on the Act is given in Chapter 6 infra.

D. LOCEL BODIAS IN URBAN AREAS

But the local bodies in the urban areas of Manipur existed as early as 1915 ; a body called Imphal Town Fund Committee was established for the local administration of Imphal Town. Imphal Town Fund Committee consisted of one Chairman and other five members appointed by the Chairman who happened to be the Political Agent of the British Government in the State of Manipur. And the record shows that Imphal Town Fund Committee had the power of settlement in the area known as British Reserve now known as Babupara area, Secretariat area, Khwai Bazar, D M. College compound area and Deulahland area. And for its administration the Political Agent had a separate Police Department under his control. In this area he exercised all executive and judicial powers over and above the settlement powers mentioned above. During the period of Town Fund Committee the Assam Municipal Act, 1923 was followed though it is not clear as to which Act or Law was followed before the year 1923 It appears that the executive order was the law till the Board was formally established.

From the above discussion, it is clear that Imphal Town Fund Committee was not an elected body. It was only a functional body constituted and appointed by the then Political Agent of Manipur.

Later on, in 1956 Imphal Municipal Board was established under the Assam Municipal Act, 1956 when the Act was extended to Manipur and the same was enforced in Imphal. The Board was formed with 12 elected members for 12 wards. The Board discharged the powers and functions under the Assam Municipal Act, 1956 for the local administration of Imphal Municipal area. Later on, the Manipur Municipalities Act, 1976 was passed[34]. Under

34 Detailed discussion is given in Chapter 8 infra.

this Act, a Board is constituted for Imphal Municipal area ; it consists of 26 Commissioners elected from 26 wards of the Municipal area which measures about 29·57 Sq. miles ; it discarges the powers and functions enshrined in the Act. Under the Act, Small Towns are also established ; each of them has a committee known as Town Committee consisting of President, Vice-President and such number of Commissioners as is prescribed by the State Government. Small Towns are variants of the Mvnicipalities. Now, in Manipur there are seven Municipalities. Now, in Manipur there are seven Municipalities (Churachandpur Municipality has ceased to exist w.e.f. 1-3-1988) and thirty Small Towns.

3

THE MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) ACT, 1956 (80 OF 1956) : A CRITICAL STUDY

The Act instils democratic elements into the constitution of the Village Authorities. Under the Regulation of 1947, the Village Authorities were nominated. But under the Act they are to be elected[1] The Chief Commissioner (now the Governor) may, in the general interests of the local people, declare by notification in the official Gazette that a village having twenty or more tax-paying houses shall have an elected Village Authority*. Where there is no such notification, the Village Authority shall be nominated. The Chief or Khullakpa of that Village shall be ex-officio Chairman of the Village Authority of that village If there is no such Chief or Khullakpa, the Chairman of that Village Authority shall be elected by the members thereof from amongst themselves[2]

Value of the Act of 1956.

CONSTITUTION OF VILLAGE AUTHORITIES :

Unlike the earlier Regulation, the presnt Act gives statutorily the constitution of the Village Authority. A Village Authority has to consist of : (a) five members where the number of tax-paying houses in the villoge is not less

1. The Manipur (Village Authorities in Hill Areas) Act, 1956 (80 of 1956), Section 3 (2).
2. ibid. * Now all the hill Villages in Manipur having twenty or more tax paying houses shall have elected village Authorities vide Secretariat : L.S.G. Department Notification Imphal the 16th July 1971 No. 2/20/71 Act/L and Imphal the 17th July 1971 No. 3/20/71-Act/L.

than 20 but not more than 60; (b) seven members where the number of such houses is more than 60 but not exceeding 100; (c) ten members where the number of such houses is above 100 but not exceeding 150; (d) twelve members where the number of such houses is more than 150[3].

A person shall not be qualified for being chosen as a member of a Village Authority unless he—(a) is a citizen of India; (b) in the case of membership of an elected Village Authority, is registered in the electoral roll as a voter for the election of a member of the Village Authority[4].

A person shall be disqualified for being chosen as, and for being, a member of a Village Authority, - (a) if he is a member of any other Village Authority; (b) if he is of unsound mind and stands so declared by a competent authority[5].

The term of office of members of a Village Authority is five years* from the date appointed from its first meeting[6].

The election of members of the Village Authority is on the basis of adult suffrage, that is to say, every person who is a citizen of India and who is ordinarily resident in the village and is not less than 21 years of age on such date as is prescribed by rules made under this Act, shall be entitled to be registered as a voter at any such election[7].

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3. ibid. Section 3 (1)
4. ibid. Section 4.
5. ibid. Section 5.
* Vide The Manipur (Village Authorities In Hill Areas) (Amendmedt) Act, 1984.
6 ibid, Section 6.
7. ibid, Section 7.

The concerned Deputy Commissioner may also remove a member of the Village Authority from his office on any of these grounds, such as, conviction of a non-bailable offence, refusal or incapacity to act, insolvency, for being in government service, absence from meetings six times consecutively, misconduct in the discharge of duty etc[8]. A member may also resign his office by writing under his hand addressed to the Chairman of the Authority[9].

POWERS AND FUNCTIONS OF VILLAGE AUTHORITIES :

Every Village Authority within the local limits of its jurisdiction, perform these functions[10] : (i) maintenance of law and oder ; such powers and functions as conferred on the police by or under the Police Act, 1861 ; (ii) arrest of suspected accused persons ; (iii) an accomplice in a heinous offence ; (iv) arrest of any person for whose arrest a requisition has been received from the police ; (v) arrest of any person designing to commit a heinous offence ; (vi) arrest of any person obstructing the Village Authority in the performance of its duty or police office while in execution of his duty ; (vii) arrest of any person who has escaped or attempts to escape from lawful custody ; (viii) report to the concerned subdivisional magistrate of every unnatural, suspicious or sudden death and of any likely heinous offence and serious riot or affray ; (ix) production of the person arrested by it before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey and (x) review of development works and report in respect thereof to the concerned BDO and looking after the overall

8. ibid, Section 8.
9. ibid, Section 9.
10. ibid, Section 16.

functioning of Government schools including absenteeism amongst the staff[10-A].

Subject to the general superintendence and control of the Deputy Commissioner, the Sub-Divisional Magistrate shall have control over the Village Authorities[11].

VILLAGE COURT :

Besides the above enumerated functions, a Village Authority can also function as a Court The State Government may by notification in Official Gazette* appoint any two or more of its members to be a village court during their term of office[12]. The village Court, so constituted, shall have jurisdiction concurrent with that of the criminal court within whose local jurisdiction it is situated, for the trial of these offences, namely[13] :

1. Offences under sections 24, 26 and 27 of the Cattle Trespass Act, 1871 (for extracts of these sections please see APP -A)

10-A. Vide Para 5 of letter No 4/2/71 dated the 19th July 1971 issued by the Chief Secretary to all the Deputy Commissioners, Manipur.

11. ibid, Section 15.

* Notification in the Official Gazette by the State Government is mandatory for the constitution of a village Court. Mere establishment of a Village Authority does not **ipso facto** mean the existence of a Village Court. Thus, in the absence of such a notificatian, a Village Authority cannot function as a Court.

12. ibid, Section 19.

13. ibid, Section 20 and the Schedule to the Act. The court can fine a convict upto Rs 200 or in default of the payment thereof imprison him for a period upto one month, vide Section 26.

2. Offences under enactments (other than the Indian Penal Code and this Act) or any rules and bye-laws made thereunder which are punishable with fine only upto a limit of two hundred rupees.

3. Offences under section 34 of the Police Act, 1861. (for extract of this section please see App.-B)

4. Offences under the following sections of the Indian Penal Code, namely :—

   sections 160, 178, 179, 269, 277, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448, 504 and 510 ; and when the value of the property in the opinion of the village court is not over two hundred rupees, sections 379 and 411.

   (for extracts of these sections please see App.-C.)

A Village Court can also try civil cases (concurrent with the Civil Court within whose local jurisdiction it is situated), such as, suits for money due on contracts ; suits for recovery of movable property ; suits for compensation for wrongfully taking or injuring movable property ; suits for damages by cattle trespass ; when the value of the property in the suit does not exceed Rs. 500/-[14].

Over and above, a Village Authority can seek assistance from any person within its local jurisdiction for the due performance of its powers and functions under this Act, and if such person refuses or neglects to comply with any such requisition, he is punishable with fine upto two hundred rupees where the sentence is passed by a Village Court or five hundred rupees where the sentence is passed by the Court of a Sub-Divisional Magistrate[15].

14. ibid. Section 30.
15. ibid. Section 17 (1).

CONTROL OVER VILLAGE COURT[16].

The concerned Deputy Commissioner or the Sub-Divisional Magistrate either on application made to him or on his own motion, may transfer any criminal case from one Village Court to another or to any other court subordinate to him. The concerned Sub-Divisional Magistrate has also the power to hear an appeal filed by a person against the order passed by a Village Court imposing a fine of more than twenty rupees for his refusal or negligence to assist his village authority when he is bound to give the assistance. There shall be no appeal in any criminal case tried by a Village Court. But the concerned Deputy Commissioner or the Sub-Divisional Magistrate may suo motu or on application by the concerned parties cancel or modify any order of conviction or of compensation by a village court or direct retrial of the case by a court subordinate to him in all cases where there is failure of justice in the proceeding of such a Village Court. The Governer may also at any time call for and examine the record of a Village Court for the purpose of satisfying himself as to the correctness, legality or propriety of the order or sentence passed by such a village court and after perusing the record set aside, modify or confirm such order or sentence. As regards civil cases, District Judge exercises control over a village court. He can, on application by a party to the case within thirty days from the date of the decree by a Village Court, cancel or modify the decree if he thinks that there is a failure of justice in the proceeding of such a village court.

PROCEDURE BEFORE VILLAGE COURT[17].

The procedure before this court is very simple. The provisions of (a) the Court Fees Act, 1870, (b) the Code

16 ibid. Sections 17 (2), 18, 25 & 43.
17. ibid. Sections 21, 33, 48, 49, 52, 56 & 57 (1) (2) (h).

of Criminal Procedure, 1973 and (c) the Code of Civil procedure, 1908 shall not apply to any criminal case or civil suit before this court. The procedure to be followed by a Village Court in any criminal case or civil suit and in the enforcement of its decisions, sentences, decree and orders, and in the method of forming a quorum shall be prescribed by rules made under this Act*. The Indian Evidence Act 1872 shall not apply in the trial of any criminal case or suit by this court but it shall observe as far as possible the principles thereof.

The Chairman of the Village Authority presides over the village court if he is the member of the latter. If the Chairman is not a member of the court, the members thereof elect its own President from amongst themselves. The decisions, orders etc. of the court are made by majority opinion of the members; in case of a tie the President shall have a second or casting vote to decide the case.

A suit or a criminal case before a village court may be instituted by an application either oral or in writing. Thereupon, the court shall summon the other party (defendant) in the case of a suit or the accused in the case of a criminal case. Personal appearance of the parties to the case is necessary. But the court may for reasons to be recorded allow the appearance of an accused by agent. In civil cases parties may appear by agent No woman can, against her will, be compelled to appear before the court as a defendant or an accused. But the parties cannot send legal practitioners for pleading on their behalf before the village court.

All the preceedings before a village court should be in Manipuri.

Rules in this respect are not yet made.

In all its procedings a village court should observe the principles of natural justice—**Nemo judex in causa sua** (no one should be judge in his own cause) and **audi alteram partem** (no one should be condemned unheard) and the principles of equity and good conscience.

PRINCIPLES OF RES JUDICATA :

The principles of res judicata shall operate in the cases, civil and criminal, decided and adjudicated upon by a village court by exercising its powers and functions under the Manipur (Village Authorities in Hill Areas) Act, 1956. A village court is a competent court in respect of the cases, civil and criminal, specified in the Act[18] Therefore, a suit heard and finally decided by a village court under the provisions of the above Act can not be reagitated and reopened in the same way in another civil court between the same parties including their privies and legal representatives[19]. Similarly, an accused convicted or acquitted by a village court in respect of any offence by exercising its powers uuder the above Act cannot be tried and convicted for the same offence by another criminal court[20]. It follows that police should shop investigation including the arrest of accused persons in respect of the criminal cases pending for disposal or disposed of by a village court. Similarly, Courts of Judicial Magistrate must not entertain any complaint or any application for enquiry in respect of the matters involved in a criminal case pending for disposal by a village court.

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18. ibid, Section 20 R/W Schedule to the Act and Section 30.
19. Vide Section 11 (Res judicata) of the Code of Civil Procedure, 1908 (Act V of 1908).
20. Vide Section 300 of the Code of the Criminal Procedure 1973 ; also Article 20(2) of the Constitution of India.

CRITICISM OF THE ACT

Financial Problems of Village Authorities

It is known that a village authority is a body corporate charged with many administrative and executive functions under the Manipur (Village Authorities in Hill Areas) Act, 1956.[21] A village authority is under the control of the concerned Sub-Divisional Magistrate. Besides its normal functions under the above Act a village authority may be directed by a District Council within whose local jurisdiction it is situate, to discharge any function and any work'[22]. But the Manipur (Village Authorities in Hill Areas) Act, 1956 is silent as to the financial matters of the village authorities. In the Act there is no provision for grants-in-aid by the Government of Manipur for the village authorities. Therefore, it follows that it shall not be possible, due to want of finance, for a village authority to perform its functions. Similarly the Act is silent as to the financial matters of the village courts. Therefore, a village court may not be able to well discharge its function—administration of justice. But the earlier Act i.e. the Manipur State Hill Peoples (Administration) Regulation, 1947 lays down certain financial provisions for the authorities including village authorities.[23] It is our experience that no work—

21 Ibid Sections 14 & 16, also see powers and functions of Village Authorities, supra

22 Rule 98 (4) of the Manipur (Hill Areas) District Council Rules, 1972 says The District Council may ask a Village Authority to undertake any function which is discretionary function of the Village Authority, and to carry out any work or to maintain any institution falling within the purview of the Village Authority if the Council makes the necessary grant to meet the expenditure involved

23. Vide Section 65-72 of the Regulation.

developmental, executive, administrative or judicial—can be performed well without proper finance. It is, therefore, suggested that the Government of Manipur should pay its attention to the financial matters of the village authorities and village courts at the earliest date.

Anomaly in the Act as to the judicial administration :

All the criminal and civil laws (except some personal civil laws) are applicable to the tribal people. The village courts try minor criminal and civil cases as laid down in the Manipur (Village Authorities in Hill Areas) Act, 1956. The Act is still in force in the Hill Areas of Manipur, but it has caused anomaly regarding the control of a village court; for example section 17 of the Act provides for punishment of persons who refuse or neglect to assist the village authorities when such assistance is asked for by the latter, the section itself further provides that an appeal may lie in in the court of the sub-divisional magistrate if the order of punishment is passed by the village court. Herein, who is the sub-divisional magistrate? Is it the sub-divisional judicial magistrate or the sub-divisional executive magistrate? Section 18 of the Act also is ultra vires' the constitution. How the Chief Commissioner (now the Governor) can exercise judicial functions as an appellate or revisional court by calling for and examining records of any proceeding before the village court, Sub-divisional Magistrate or the Deputy Commissioner? Therefore, it is suggested that the Government of Manipur should take steps, at an early date, to remove the above anomalies by amending the Act itself. In this connection, it may also be pointed out that Article 50 of the Constitution of India provides for separation of the judiciary from the executive. In implementation of this constitutional mandate, Parliament had already enacted the Union Territories (Separation of Judicial and Executive Functions) Act, 1969 and the Code of Criminal Procedure, 1973 providing for separation of the judiciary from the executive.

Suggestions for improvement of the conditions of Village Authorities and Village Courts :

It cannot be denied that the functioning of these authorities is not satisfactory. For their proper functioning the following measures should be taken by the Government of Manipur :

First, the financial conditions of these local authorities should be improved. They must have at their disposal funds adequate to their powers and functions. Therefore, there should be a separate budget for these local authorities, Their members also should be given adequate remunerations and allowances

Second, the members of these local authorities should be given proper training Till to-day, the members are, in most cases uneducated hill-villagers The members can hardly understand what is laid down in the Act, i e., the Manipur (Village Authorities In Hill Areas) Act, 1956. Therefore, measures for training of these members regarding their powers and functions should be taken without delay.

Third, the concerned officials—Deputy Commissioner, Sub-Divisional Magistrate—should give co-operation, instructions, guides etc to these local authorities In this respect Local Self-Government Depratment should take the necessary measures also.

Last, these local authorities should be kept, as far as practicable, from power-politics and political corruption. That is to say, they must be allowed to function independently so long as they serve the purpose for which they are established and ordained.

CONCLUSION

In conclusion, we can say that the village authorities and the village courts have a great role to play in the democratic set-up of India and Manipur. Till to-day, the Hill Areas of Manipur, about 92 P.C. of the entire Manipur territory, are without proper transport and communication. Access to the interior Hill villages is still a problem. Under the present Act (The Manipur Village Authorities In Hill Areas) Act, 1956) the village authorities are given the powers and functions of the police while the village courts try cases—both civil and criminal. The maintenance of law and order and administration of justice in the Hill Areas of Manipur at the village level shall be very easy and inexpensive if the conditions of the village authorities are improved. It is, therefore, hoped that the Government of Manipur shall fully implement the suggestions hereinbefore listed for improvement of the conditions of the village authorities and the village courts in the near future.

APPENDIX-A

EXTRACTS OF SECTIONS 24, 26 AND 27 OF THE CATTLE TRESPASS ACT, 1871.

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.

Whoever forcibly opposes the seizure of cattle liable to be seized under this Act.

And whoever rescues the same after seizure, either from a pound, or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act.

shall, on conviction before a Magistrate, be punished with imprisonment for a period not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

26. Penalty for damage caused to land or crops or public roads by pigs.

Any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, or any public road, by allowing such pigs to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees.

The State Government, by notification in the Official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words "fifty rupees" were substituted for the words "ten rupees", or as if there were both such reference and such substitution.

27. Penalty on pound-keeper failing to perform duties.

Any poun l keeper eleasing or purchasing or delivering cattle contrary to the pr visions of section 19 or failing to perform any of the other duties imposed upon him by this Act, shall, o r and above any c t r penalty to which he may be li bl be punished on conviction before a Magistrate, w th fine not exceeding fi ty rupees

Such f nes may be rec ve d by deductions from the pound-keeper s s l ry.

APPE NDIX-B

Extract of section 34 of the Police Act 1361.

34 Ar y p o who, on any road or in n, open place r street r thorou h re ithin the lim t of ny town to h t n section sh ll l specially e tended by the St t Govern m nt, comm t s of t f ll wing off nce o th ob truction in onvenienc nn yance risk dan er r dama e of the resi lents or passengers shall, on conviction b ore a ist te b liable t a fine not exceeding fifty rupees t i mpris nment with o without hard labour not exce in eight days* and it shall be la ful for any p l r o f e nt o ust dy, without a warrant, any per on h within is v c comm t any of such offences, n mely

For the offence under clause Sixth the punishment may be a fine unto Rs 500/ or imprisonment with or without hard labour u o three months Vide The Police Manipur Amen ment) Act, 1977 (Act No 9 of 1977)

First—Slaughtering cattle, furious riding, etc.—Any person who slaughters any cattle or cleans any carcass, any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle :

Second—Cruelty to animals—Any person who wantonly or cruelly beats, abuses or tortures any animal :

Third—Obstructing passengers—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public :

Fourth—Exposing goods for sale—Any person who exposes any goods for sale :

Fifth—Throwing dirt into street—Any person who throws or lays down any dirt, filth, rubbish or any stones or building material ; or who constructs any cow shed, stable or the like, or who causes any offensive matter to run from any house, factory, dung-heap or the like :

Sixth—Being found drunk or riotous—Any person who is found drunk or riotous or who is incapable of taking care of himself :

Seventh—Indecent exposure of person—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose :

Eight—Neglect to protect dangerous places—Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.

APPENDIX-C

Extracts of sections 160, 178, 269, 277, 289, 290, 294, 323, 334, 341, 352, 358, 379, 411, 426, 447, 44 , 504 and 510 of the Indian Penal Code, 1860 (45 of 1860).

160. Punishment for committing affray — Whoever commits affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

178. Refusing oath or affirmation when duly required by public servant to make it. – Whoever refuses to bind himself by an oath (or affirmation) to state the truth when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

269. Negligent act likely to spread infection of disease dangerous to life.—Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread to infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

277 Fouling water of public spring or reservoir.— Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

289 Negligent conduct with respect to animal.— Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupeees, or with both.

290. Punishment for public nuisance in cases not otherwise provided for.—Whoever commits a public nuisance, in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

294 Obscene acts and songs.—Whoever, to the annoyance of other,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballet or words in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

323. Punishment for voluntarily causing hurt.— Whoever, except in the case provided for by Section 334, voluntarily causes hurt shall be punished with imprisionment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

334. Voluntarily causing hurt on provocation.— Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend

to one month, or with fine which may extend to five hundred rupees, or with both.

341. Punishment for wrongful restraint.—Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

352. Punishment for assaults or criminal force otherwise than on grave provocation —Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation :— Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public seavant, or if the provocation is given by anything done in the lawful exercise of the right of private defence,

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

358. Assault or criminal force on grave provocation. —Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Explanation :— The last section is subject to the same explanation as Sec 352.

379. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

411. Whoever dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both,

426 Punishment for michief.—Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

447. Punishment for criminal trespass.—Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both

448. Punishment of house-trespass —Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both

504 Whoever intentionally, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

510 Whoever, in a state of intoxication appears in any public place, or any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both.

4

THE MANIPUR (HILL AREAS) DISTRICT COUNCILS ACT, 1971 A CRITICAL STUDY

This Act provides for the establishment of District Councils in the Hill Areas of Manipur. For the purpose the Hill Areas are to be divided into not more than six autonomous districts.* Now the Governor of Manipur is the authority to determine the area of such a district and its name.[1]

CONSTITUTION OF DISTRICT COUNCILS :

Each autonomous district shall have a District Council consisting of not more than 18 members elected by direct election on the basis of adult suffrage from its constituencies. The Governor of Manipur may also nominate not more than two persons, not being Government employees, to be the members of such a Council.[2] For the purpose

* In Manipur there are six District Councils—Tengnoupal Autonomous District Council, Manipur North Autonomous District Council, Sadar Hills Autonomous District Council, Manipur South Autonomous District Council, Manipur East Autonomous District Council and Manipur West Autonomous District Council. Each of them consists of 18 (eighteen) constituencies; for details vide Government of Manipur, Secretariat : Planning & Development Department Notification Imphal, the 7th March, 1972; also Notification Imphal, the 14th February, 1972.

1. The Manipur (Hill Areas) District Councils Act, 1971, Section 3.
2. Section 4.

of election to the District Council the Governor of Manipur has made the Manipur Autonomous District Councils (Election of Members) Rules, 1972 It is a body corporate having the name of the autonomous district wherein it is functioning and it can hold, acquire and dispose of property[3]. A person shall not be qualified to be chosen as a member of a District Council unless he is an elector for any District Council constituency in that autonomous District[4].

Qualification, Disqualification for membership and term of office.

A person shall be disqualified for being chosen as a member of a District Council if he is for the time being disqualified for being chosen as a member of either House of Parliament or holds any office of profit under any District Council[5]. Only voters at the election to the House of People are entitled to vote at the elections to the District Councils[6]. The term of office of a District Council member is five years commencing from the date of the notification of his election or nomination or from the date on which he is elected or nominated for a vacancy But the Governor may extend the term for a period not exceeding one year[7]. The Governor may also supersede a District Council for a period not exceeding one year on such grounds, such as, incompetency to perform its duty, abuse of power etc[8].

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3. Seclion 22 ; it can also sue and be sued in its name ; it has the power to contract. Rule 99 of the Manipur (Hill Areas) District Council Rules, 1972 deals with the representation of Council in civil suits.
4. Section 7.
5. Section 8.
6. Section 9.
7. Section 13.
8. Section 47.

A dispute over the election of a District Council member shall be decided by the Court of District Judge. The election may be declared valid or void. His decision shall be final and conclusive. The grounds on which an election may be called in question are : (a) that on the date of his election the returned candidate was not qualified to be elected or the candidate was disqualified for being elected, as a member under this Act ; or (b) that the nomination paper of any candidate at the election has been improperly rejected ; or (c) that the result of the election has been materially affected by improper acceptance of a nomination paper or by the improper acceptance or refusal of a vote or by any other cause* The District Judge must follow the Code of Civil Procedure, 1908 in the trial and disposal of an election petition[9]. Part IV of the Manipur Autonomous District Councils (Election of Members) Rules, 1972 lays down in detail the matters relating to election petitions.

Dispute over the election of a District Council member

District Council members are deemed to be public servants within the meaning of Section 21 of the Indian Penal Code[10].

A District Council shall have its own Chairman and Vice-Chairman who are elected from amongst its members. The Chairman is a whole-time functionary and entitled to salary and allowances He can be removed from his office by a resolution passed by not less than two-thirds of the total membership of

Chairman and Vice-Chairman.

9. Section 14-20

* Any other cause is not defind in the Act or the rules framed thereunder. Thus, rigging, under influence, proxy at voting etc. may also be the grounds for invalidation of an election.

10. Section 28.

the Council at the meeting held for the purpose If such resolution is passed by less than two-thirds majority, the Governer may pass order removing him on grounds to be specified in the said order. But no such resolution shall be brought within one year from the date of election of the Chairman[11].

FUNCTIONS OF THE DISTRICT COUNCIL[12] :

Subject to such conditions and exceptions as the Governer may impose and make, the following matters shall be under the control and administration of a District Council namely :

(i) maintenance and management of property both movable and immovable, and of institutions transferred to it by the State Government ;

(ii) construction repair and maintenance of roads, bridges, channels and buildings transferred to it ;

(iii) establishment, maintenance and management of primary schohls ; institution of scholarships connected with such schools ;

(iv) establishment, maintenance and management of dispensaries ;

(v) establishment and maintenance of cattle ponds including such functions under the Cattle Trespass Act 1871 as are transferred to it ;

(vi) establishment, maintenance and management of markets and fairs and the constructions, repair and maintenance of all buildings connected therewith ;

(vii) supply of water for domestic use ;

11. Section 23.
12. Section 29.

(viii) Supply and regulation of water by embankment for agriculture ;

(ix) preservation and reclamation of soil ;

(x) preservation, protection and improvement of livestock and prevention of animal diseases ;

(xi) public health and sanitation :

(xii) management of ferries ;

(xiii) initiation, inspection and control of relief works ,

(xiv) allotment, occupation or use of land for promotion of local interests in agriculture or non-agricultural purposes ;

(xv) management of forest not being a reserved forest ;

(xvi) regulation of jhum or other form of shifing cultivation ,

(xvii) other functions entrusted to it in the field of agriculture, animal husbandry, community development. social and tribal welfare, village planning etc.

A district Council can recommed to the State Government legislation in respect of the following matters if they concern members of the Scheduled Tribes, namely, (a) appointment or succession of Chiefs ; (b) inheritance of property ; (c) marriage and divorce ; and (d) social customs.

OTHER POWERS AND FUNCTIONS :

A District Council may appoint committees out of its own body for the due and efficient discharge of its functions[13]. It has also one Chief Executive Officer appointed

13. Section 31 ; for example the council appotnts Finance Committee under Rule 23 of the Manipur (Hill Areas) District Councils Rules, 1972.

by the Governor. It can pass resolution by a majority of not less than two thirds of its total membership for removal of him. It appoints and maintains its own staff[14].

It has the power to levy within its local area (a) taxes on professions, trades, callings, employments etc. (b) taxes on animals, vehicles except machanically propelled vehicles and boats ; (c) taxes on goods brought for sale at markets within its area and tolls on passengers and goods carried in ferries ; (d) taxes for maintenance of schools, dispensaries, roads, etc (e) any tax mentioned in the State List of the Seventh Schedule to the Constitution of India if it is so empowered to levy by the State Legislature[15].

A district Council has also the power to fix and levy (a) School fees ; and (b) fees for use of or benefits derived from, any works done or services rendered by it as its functions[16].

A District Council can make bye-laws for the following purposes[17]

(a) the maintenance and management of schools and grants of stipends and scholarships ;

(b) control and administration of dispensaries and matters connected therewith ;

(c) protection from pollution of such tanks, springs, well or parts of rivers, streams, channel or water courses as are set apart for drinking or culinary purposes ;

(d) any matter essential to the carrying out of all or any of the provisions of this Act or rules framed thereunner.

14. Section 32.
15. Section 33.
16. Section 34.
17. Section 52.

But the bye-laws, so framed, must be confirmed by the Governor ; otherwise they are not valid*

In making the bye-laws, a District Council can direct that any breach of such bye-laws shall be punishable with fine which may extend upto Rs 100 and in the case of a continuing breach with a further fine which may extend upto Rs 10 everyday during which the breach is continued after the offender has been convicted of such breach In default of payment of any fine the defaulter shall be punishable with imprisonment for a term which may extend upto 15 days

DISTRICT COUNCIL FUND :

A District Council has its own fund called 'Council Fund' All moneys received by or on behalf of it under the provisions of this Act or any other law are credited to this fund The fund is held by the District Council in trust for the purposes of this Act, All expenditure of the council are defrayed out of this fund The account of the council shall be audited in the prescribed manner .

It must submit every year to the Governor its budget i e. an estimate of its income and expenditure for the next financial year He may approve or modify it Any subsequent alteration in the budget or reappropriation or transfer of provision within the estimate shall be made with the approval of the Governor

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For better understanding vide Characteristics of Local Self-Government, Third and its foot note

18 Section 53.

19 Section 43 , see also Part (III) & Part (VIII) of the Manipur (Hill Areas) District Councils Rules, 1972.

20. Section 45.

CONTROL OVER DISTRICT COUNCIL :

It is the duty of a District Council Chairman to furnish to the concerned Deputy Commissioner a copy of the proceedings of the meetings of his Council and such other information as the Deputy Commissioner requires. The Deputy Commissioner has the power to give such directions to the Council as he thinks necessary in the sphere of primary education in schools controlled and maintained by the Council. He has also the power to suspend the execution of any resolution or order of the District Council or prohibit the doing of any act by it, if he thinks that such resolution, order or act is in excess of the powers of the Council or likely to cause breach of peace or annoyance to the public. The Deputy Commissioner must intimate forthwith to the Governor any action he has taken in any of these matters[21]. The Governor, on receipt of a report from the concerned Deputy Commissioner or otherwise, may supersede a District Council for a period not exceeding one year, on any of the following grounds : (a) incompetency to perform its duty ; (b) abuse of its powers ; (c) its precarious financial situation , (d) any situation by reason of which it cannot be carried on in pursuance of this Act. The period of supersession may be extended for further period not exceeding six months in consultation with the Hill Areas Committee[22].

Before making an order of supersession*, the Governor must give a District Council a reasonable opportunity to

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21 Section 46

22 Section 47.

* "Supersession" means to put an end to, generally by substituting something else in place of the thing so abolished vide K J Aiyer's Judicial Dictionary, 8th Edition. It also means to override, to replace, to supplant etc. Vide Chambers 20th Century Dictionary New Edition ; also Webster's New World Dictionary.

Supersession-order and jurisdiction of the High Court over it.

show cause why such order of supersession should not be made. This provision is mandatory. Therefore, supersession of a District Council without giving t such an opportunity is ultra vires the Manipur (Hill Areas) District Councils Act, 1971. And a writ-petition can be filed bofore the concerned High Court under Article 226 of the Constitution of India to quash the order of supersession It is also to be pointed out that the enquiry by the Governor into the ground on which the order of supersession is to be based must be of judicial nature. Therefore, if the order of supersession is made on the basis of other remote grounds hardly connected with those specified in Section 47 (1) of the said Act, or in a mala fide way, a writ-petition can be filed in the above manner to quash the order of supersession.

During the period of supersession, all the powers and functions of the Conucil shall be exercised and performed by such officer or authority as the Governor may appoint in this behalf. Before the expiry of the period of supersession, the Council should be reconstituted by fresh election or nomination.

District Council and Village Authorities[23] :

A District Council may ask for any information, except a judical matter, from a Village Authority situated within the Council's local jurisdiction. The Council may also ask for any information from such a Village Authority regarding its financial position. The Council may also direct such a Village Authority to perform any of the latter's discretionary functions if the Council provides for

23. Rule 98 of the Manipur (Hill Areas) District Councils Rules, 1972.

the necessary fund But the Council has no power and control over the judical or quasi-judicial works of a Village Authority. The Council can also exercise the above powers and functions over the Village Panchayats situated within its local jurisdiction.

DRAWBACKS IN DISTRICT COUNCILS' FUNCTIONING

Financial Problems : Till today, the District Councils in the Hill Areas of Manipur have not been able to perform their duties well because of the want of proper fund. Their functions are wide and enormous : but the funds at their disposal are too meagre. At the inauguration function* of the Office Building of the Sadar Hills Autonomous District Council, at Kangpokpi, held on the 8th November, 1986, Mr. Mingthing, Chairman of the Hill Areas Committee (as then he was) in his speech observed thus : "There is no seperate budget for the District Councils. This is a fact. The Councils are mainly dependant on the Tribal Welfare Department".

Anomaly in the determination of "Hill Areas" :

The Act provides for the establishment of District Councils in the "Hill Areas" in the State of Manipur. It is also a fact that the powers and functions of these District Councils are derived from this Act. Under the Constitution of India** all the matters relating to the District Councils in Manipur are State subjects, i.e , subjects to be dealt with purely and exclusively by the Legislative Assembly of Manipur. But, as per Section 2 (f) of the Act, the power to determine "Hill Areas" as used therein and in relation

* On invitation, I attended the function.

** Vide page 4 supra of this book.

to the District Councils lies with the President of India while, under Section 3 (1) of the Act, the Governor of Manipur divides such "Hill Areas" into not more than six autonomous districts Before Manipur's statehood, President's power to determine "Hill areas" for the said purpose was derived from Section 52 of the Government of Union Territories Act, 1963. After statehood, such power is derived from Explanation to Article 371-C of the Constitution of India w.e.f 15-2-1972. As stated above, all the matteers relating to the District Councils in Maniput are state subjects ; hence the power to determ ne "Hill Areas" in the State of Manipur for the purpose of the District Councils should be exercised by the Governor of Manipur. In the result, it can be pointed out that Section 2 (f) of the Manipur (Hill Areas) District Councils Act, 1971 is ultra vires the Constitution of India as violative of its Article 246 read with Seventh Schedule List i Entry 5. Therefore, the Governor of Manipur should be given the power to determine the "Hill Areas" of Manipur for the purpose of District Councils by amending the Act*.

Lack of decentralisation : From a practical political and administrative point of view, the District Councils in the "Hill Areas" of Manipur cannot be called "Panchayati Raj" bodies. Each District Council represents, as a local self-governing body, an autonomous district consisting of 18

* The power to declare and determine "hill areas" in the State of Manipur for the purpose of Village Authorities vide Section 2 (d) of the Manipur (Village Authorities In Hill Areas) Act, 1956, which reads thus : "hill areas" mean such areas in the hill tracts of the Union Territory of Manipur (now the State of Manipur) as the Chief Commissioner (now the Governor) may, by notification in the Official Gazette, declare to be hill areas.

(eighteen) constituencies, each constituency consisting of a number of remote hill villages. Therefore, each District Council has a duty to look after the local problems of such remote hill villages also : but the performance is not satisfactory because there is almost no viable means of transport and communication between the Headquarters of a District Council and the concerned villages and because the villagers have to ventilate their grievances only and only through their elected member. Moreover, in the hill areas there are no other local self-governing institutions which may act as constituent parts of the District Councils. The Village Authorities in the hill villages are in no way the constituent parts of the District Councils. Under Rule 98 of the Manipur (Hill Areas) District Councils Rules, 1972* there is a relationship between a Village Authority and a District Council : but the relationship is administrative rather than democratic and constituent.

Political interference : The District Councils can not make much progress and success in their functions on political grounds also. It cannot be denied that the District Councils are still functioning as administrative agents of the State Government. It cannot also be denied that no Chairman/Vice-Chairman of a District Council can long remain in office/power without the support of the ruling political party. It is also an undeniable fact that a District Council run by a non-ruling political party always gets defeated and disappointed at the hands of the ruling political party. Frequently, if not always, the State Government interferes in the functioning of a District Council in one way or another on political grounds. In the result, the District Councils in the "Hill Areas" of Manipur have not been able to well discharge their functions on political grounds.

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* Vide page 100 supra of this book.

No democratic relationship with the Hill Areas Committee : Under the Act, there is no relationship on democratic and constituent basis between the District Councils and the Hill Areas Committee of the Manipur Legislative Assembly. Except its consultative power regarding the extension of the period of supersession of a District Council, the determination of the areas thereof and the entrustment thereto of certain functions, such as, agriculture, animal husbandry, community development, social and tribal welfare, village planning etc., the Hill Areas Committee (consisting of the MLAs of the "Hill Areas" of Manipur) has no control over the day-to-day functioning of a District Council.

Lack of interest of the members. It is also our common experience that most of District Council members are found lacking in a workable degree of intelligence, a constant interest in public affairs and a sense of public responsibility. Most of them if not all, are the followers and supporters of the State politicians And most of them, if not all, are lay hill villagers born and bred in traditional and unsophisticated environment. Thus, most of them are lacking in the above qualities

Inadequate remunerations for the members : It is also an undeniable fact that the District Council Members are not getting adequate remunerations for the works they are expected to do under the Act Without payment of adequate remunerations to them their initiative and interest in their works can never be encouraged. Thus, even a dedicated member can hardly devote his time to his duty as he is bound to do other private works for his livelihood.

SUGGESTIONS FOR IMPROVEMENT OF THE CONDITIONS OF THE DISTRICT COUNCILS

It cannot be denied that the functioning of the District Councils is far from satisfactory. For their proper

functioning the following measures should be taken by the Government of Manipur :

First, their financial conditions should be improved. They must have at their disposal funds adequate to their functions. Adequate grants-in-aid should be given to them for the programmes and projects in their hands. For the purpose there should be a separate budget for the District Councils.

Second, for decentralisation of administration in the remote hill areas the Village Authorities in those areas should be made constituent parts of the District Councils. The Village Authorities should be allowed to send their representatives to the District Councils, and thus to their local problems in the District Councils.

Third, the members of the District Councils should be given proper training as regards their powers and functions. Besides it, they should be given adequate remunerations and allowances for their works.

Fourth, well trained, edergetic, dutiful and efficient officers should be posted as the Deputy Commissioners in the hill districts of Manipur. Under Section 46 of the Manipur (Hill Areas) District Councils Act, 1971 they have a responsibility to see that the District Councils have well and properly executed their powers and functions. It is only through the Deputy Commissioners that the State Governor can know what the District Councils are doing.

Fifth, the District Councils should be given the status they should enjoy In no case on political grounds their functioning should be disturbed and hampered. They should be given adequate funds for their works. And they should be allowed to function as freely as possible unless their functioning leads to social and economic injustice.

Last, to well ventilate in the State Assembly the grievances faced by the District Councils in the discharge of their duties the members of the Hill Areas Committee should be made the *ex-officio* members of the District Councils. This shall give practical utility to the District Councils : the utility of getting direct information as t what the Government is doing for them.

Thus, it may be hoped that the Government of Mani pur shall take the necessary measures for the implemen tation of the above suggestions.

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LOCAL SELF-GOVERNMENT IN THE HILL AREAS OF MANIPUR : ITS PROBLEMS & PROSPECTS

HILL AREA AND ITS PEOPLE :

Of the total area of Manipur about 92 percent is hill area ; the remaining, valley ; the hill area is divided into 5 Districts, namely, Senapati, Churachandpur, Ukhrul, Tamenglong and Chandel These districts are still undeveloped for want of proper infra-structure facilities. To develop them socially, politically and economically is the main concern of the Government of Manipur and much still remains to be achieved. The Autonomous District Councils and the Village Authorities in these hill districts are meant to play their roles in this development-process.

Views on Administrative Decentralisation in Hill Area of Manipur ;

At the above juncture we confront two views—one view advocating urgent delegation of more powers to these local bodies and another advocating slow and steady delegation of such powers. Practically, the working principle of these bodies is to be democratic decentralisation. Hence, at the inauguration function of the Office Building of the Sadar Hills Autonomous District Council at Kangpokpi on the 8th November, 1986 Mr. Mingthing, Chairman of the Hill Areas Committee (as then he was) delivered his speech expressing the administrative difficulties and constraints that he had faced during the tenure of his Chairmanship of the Ukhrul Autonomous District Council (as then he was) and therefore strongly pleaded for more autonomy

of the district councils in Manipur*. Similarly, Mr. Thorho, Chairman of the Manipur North Autonomous District Council (as then he was) whom I had the chance to go with in his jeep from Kangpokpi to Imphal after my Office/Court duty also expressed that the District Councils in Manipur should be clothed with more administrative powers subject to the constructive, constant and vigilant control of the Government of Manipur. Over and above, there have been demands from the tribal intellectuals that the District Councils in Manipur should be established and allowed to function, as in the states of Assam, Meghalaya, Tripura and Mizoram, under the provisions of the Sixth Schedule of the Constitution of India and not under the present Manipur (Hill Areas) District Councils Act, 1971**. No doubt, their above views find support from modern political trends and thoughts which herald that the present needs for faster development of our country are decentralised planning and delegation of more powers to local authorities and bodies[1]

The other view advocating slow and steady delegation of more powers to the District Councils finds support from

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* See Chapter 4, P 101 supra of this book.

** On 10-1-89 All Tribal Students Union, Manipur called Manipur Bandh in respective of this demand, see Manipur News, 8-1-89 at P 1.

1. Yojana June 16-30, 1986 PP. 13-16 & 19; July 1-15 1986 PP. 10-12 ; Feb 16-28, 1987 PP. 24-29 ; Feb 16-29, 1988 PP. 28-29 & 32 ; See Introduction, P. 39 supra of this book ; The Sentinel Nov 24, 1988 P. 1 containing Prime Minister Rajiv Gandhi's speech promising delegation of more powers to local bodies including the amendment of the constitution, if necessary ; The Telegraph Nov. 5, 1988 P 1 containing Prime Ministers Speech pleading for decentralised planning.

Dr. V P. Varma who expresses his unreserved opinion thus : "I am a conservative in political and administrative matters. I want the country to go slow. I do not think it proper to saddle the villagers with too much of administrative technicalities and problems We should not forget that the percentage of literates in our country is appallingly small inspite of the cry for mass adult education and social education Hence, before we introduce too many innovations it is better to have the people acclimated with the institutions that have already been introduced"[2]. Particularly, in respect of the development-matters of the hill areas of Manipur the learned author's view may hold good*.

Thus, we can suggest the following measures, besides removing the inherent defects of the Village Authorities and the District Councils (see chapters 3 & 4), so that the local bodies may well discharge their functions and exercise their powers for the welfare of their respective local bodies :

Improvement of Transport & Communication :

We all know that bottle-neck in transport and communication is the main hindrance to the social, political and economic development of the hill area of Manipur. Therefore, improvment of transport and communication in this area should be given top most priority. For proper functioning of the District Councils and the Village Authorities inter-village and inter-District roads should be constructed and should be improved where they are not in working condition. At the same time, roads connecting

2. The author's book : Modern Indian Political Thought, 8th Edition, 1985, P. 595.

* See Introduction, PP. 23 & 24, supra of this book.

the villages with the District and Sub-Divisional Head-quarters should be properly constructed and maintained all the year round.

Education on Rural Development :

We also know that there are certain institutional causes which accout for the backwardness of the hill area of Manipur. The Hill tribes have different customs, languages, habits, tastes and modes of thinking Further, the society in the hill is a closed one due partly to the rigid isolation policy of Britishers who ruled before independence and partly to the geographical isolation. So, the hill people got so used to Nature that urge for change and economic development was almost absent in their minds However, after the influence of Christianity receptive changes have taken place in their attitudes to embrace development. It is also a fact that Christianity has played a great role in in the eradication of illiteracy in the hill areas of Manipur. But it is still required that education on rural development should be imparted to the Hill-Villagers so that they may take advantage of the massive investment made through development programmes and schemes.

Thus, the present general education alone has no meaning in the above context of the hill area of Manipur. Education has to be tailored to meet the needs of the local people; in other words, it must be region specific. An enriched environment with non-formal education, coupled with other extension programmes offered by Natural Sciences like Agriculture, Health etc. will enance the confidence of the hill-villagers to take advantage of the programmes offered to them. In other words, "Education for rural development in right quantity and of the right quality, should act as leaven in the rural environment,

transforming it economically and socially in the required direction ; productivity, mobility, diversification, growth"[3].

Education on democratic value & Ideal :

It is also our practical experience that the hill-villagers are still bound by their old customs and traditions. In the interior hills the Chiefs/Khullakpas are still to enjoy their customary rights As yet they are also found to enjoy, under the Manipur (Village Authorities in Hill Areas) Act, 1956, the status of being ex-officio chairmen of their respective Village Authorities This system is totally undemocratic and should be stopped immediately. Therefore, the hill villagers should be taught to respect democratic value and ideal and also democratic institutions.

Proper maintenance of law and order :

Without proper maintenance of law and order there can hardly be social, economic and political developments. Therefore, the Government of Manipur must always see that law and order is well maintained in the hill-area of Manipur The hill-villagers should always be well secured against any anti social element.

3. Savary, Roger, Education for Rural Development between Tradition and Change, Prospects, Vol III (2), Summer, 1973, P. 203. But the responsibility for the planning and implementation of such type of educational policy as well suit and cater the development of hill area lies with the Government of Manipur in collaboration with the Government of India. See Constitution of India, Seventh Schedule List III-Concurrent List, Entry 25 as amended by the Constitution (Forty-Second Amendment) Act, 1976 (w.e.f. 3-1-1977); see also India 1985 P. 66.

What the Government of Manipur is doing and thinking :

No one can deny that the present planning and administration of the hill-areas of Manipur is highly centralised. The emphasis has always been on the Government Department and Offices Thus, the Directorate for Development of Tribals and Backward classes, the Manipur Tribal Development Corporation Ltd and the T D. Blocks have been exclusively in chagre of the welfare-works[4]. But the Government of Manipur is not unwilling to adopt decentralised planning and administration This has been made clear by General K.V. Krishna Rao (Retd), Governor of Manipur in his Address to the Manipur Legislative Assembly on the 16th March, 1988. He expresses thus : " . . ... A beginning has already been made on "A Project Approach " in the mangement of schemes. I am happy that my Government is taking adequate care for safeguarding the interests of weaker and down-trodden sections of the society as well as of backward areas To ensure balanced economic development, specific funds have been earmarked for these areas It is proposed to decentralise planning and delegate enhanced authority to field offices for speedier execution of schemes. To begin witn, twb districts, one each in Volley and Hill areas, have been selected for introducing decentralised

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4. 84-85 Administration Report Government of Manipur PP. 19-20; 61-63; 135-145.

planning"[5]. The New State Agriculture Policy* declared and adopted in Manipur by Sri W. Angou Singh, Cabinet Minister of Agricultre including Horticulture and Soil Conservation, shall also necessitate the strengthening of the District Councils and the Village Authorities in the Hill-areas of Manipur Therefore, the Minister has assured that the local authorities/bodies will be strengthened for the implementation of the new policy**

5. Legis News Vol III No. 2 August 15, 1988, PP 763-64. In this respect, our neighbouring State Nagaland has achieved a tremendous success The State has already embarked on an experiment of decentralisation of power by directly providing plan funds to all the villages thereby increasing their competence to plan and implement development schemes. The experiment has proved successful and there has been a successful Cooperative partnershtp between the Government and the people for all-round development in every village irrespective of its location. In this respect the Village Development Boards (VDBs) have played a great role ; in such Boards people of both traditional mind and modern outlook sit together to plan and decide their own course of action of growth and development. Thus, the Nagaland approach is worth experimenting in other hill and tribal areas, particularly in the tribal areas of the north eastern India. For details please read Yojana 26th January, 1989 PP. 75-78.

* To work at 4-tier system of working for more production 1 State Level Production Advisory Committee For Policy and Programme. 2. District Level Committee Ascertaining the area of production and to arrange for providing needs of the farmers for production. 3. Block Level Production Committee to arrange for receiving the needs at the hands of farmers. 4. Village Level Production Committee to produce production and to convert the village a production unit (issued by Dept. of Agriculture, Dept. of Horticulture, Manipur).

** At my interview with the Minister he so expressed.

6

THE MANIPUR PANCHAYATI RAJ ACT, 1975 : A CRITICAL STUDY

INTRODUCTION :

Enough has been said about the historical development of the local self-government institutions in Manipur*. The United Provinces Panchayat Raj Act, 1947 was extended to the erstwhile Union Territory of Manipur[1]. The Act provided for the establishment and development of local self-government in the rural areas of Manipur Valley. The Act was extended to the whole area of Manipur excepting any area to which the Manipur (Village Authorities in Hill Areas) Act, 1956 was extended or which was included in a municipality, a town area or a notified area or a cantonment. The Act provided for the establishment and constitution of Gram Sabha for every village or group of villages A Gram Sabha was a body corporate having perpetual succession and a common seal. It elected from amongst its members a Pradhan. It also elected its own executive body called the Gram Panchayat. The Gram Panchayat elected a Upa-Pradhan also. The Pradhan and Upa-Pradhan were the ex-officio members of the Gram Panchayat[2]. The Gram Panchayat so constituted and established exercised and discharged these powers and

The U.P. Panchayat Raj Act, 1947 : its main features.

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* Vide Chapter Two of this Book.

1. Vide the Government of India, Ministry of Home Affairs Notification No. F 9/2/58-Judl. (II) dated 23/1/60 published in the Gazette of India Extraordinary No. 7 Part (II) Sec. 3 (1) dated 23/1/60 (G.S.R. 99) Para 16/1.
2. Vide Section 3, II-A, II-B, II-C and 12 of the Act.

Gram Panchayat : its powers and functions.

functions within its local jurisdiction, namely, duties and functions of compulsory nature, such as, sanitation and health, medical relief, removal of encroachments, regulation of melas, markets and huts, administration of civil and criminal justice etc ; discretionary functions of developmental nature, such as, planting and maintaining trees at the sides of the public roads, relief against famine or other calamities, establishment and maintenance of primary schools, gymnasium, provision of public radio sets and gramophone, any other measure of public utility etc. ; power as to public streets, waterways etc , such as, construction of new bridges or culverts, improvement of waterways, cutting any hedge or branch of any tree projecting on a public street etc, improvment of sanitation ; maintenance and improvement of primary schools and hospitals and dispensaries etc ; assistance to Government servants ; power to enquire and report the misconduct of certain officials to the Government ; power to contract for collection of taxes etc , appointment and control of its staff etc[3].

The Act also provided for a Fund called the Gram Fund to be utilised for carrying out the duties or obligations imposed upon the Gram Sabha or the Gram Panchayat or any committee thereof[4]. Section 32 (2) of the Act directed that these sums should be credited to the Gram Fund--the proceeds of any tax imposed under the Act, all sums handed over by the Chief Commissioner, the sale-proceeds of all dust, dirt, dung, and refuse, sums contributed by the Territorial Council or other local authority, all sums ordered by a Court to be placed to

Gram Fund.

3. For details vide Chapter IV of the Act.

4. Section 32 (1) of the Act.

the Gram Fund, all sums received by the Gram Panchayat from any individual or corporation or the Government under Section 24 of the Act, all sums received under Section 104 of the Act etc,. The accounts of every Gram Sabha and Nyaya Panchayat were audited in the manner prescribed by the Government[5]. Every Gram Panchayat also prepared and laid before such half-yearly meeting of the Gram Sabha as was prescribed its budget for the next year commencing on the 1st April. The budget so prepared took effect after it was approved by the prescribed authority[6].

Nyaya Panchayat : its constitution, powers and functions.

The Act also provided for administration of justice by the Nyaya Panchayat The panches were appointed by the Government but they were from amongst the elected members of the Gram Panchayat. The sarpanch and sahayak sarpanch were elected from amongst the panches. The term of office of every panch was five years from the date of his election. A Nyaya Panchayat could try the criminal cases under these sections of the Indian Penal Code—Sections 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 411 (where the value of the stolen or misappropriated property in cases under Sectrions 379, 403 and 411 does not exceed fifty rupees), 425, 428, 430, 431, 447, 448, 504, 508, 509 and 510 ; criminal cases under Sections 24 and 26 of the Cattle Trespass Act, 1871 ; any other offences under the Act (U.P. Panchayat Raj Act, 1947) or

5. Section 40.
6. Section 41.

any rule made thereunder*. It could also try these civil cases, such as, case for money due on contract, case for recovery of movable property, for compensation for injury caused to movable property, for damages caused by cattle trespass etc[7].

The Manipur Panchayati Raj Act, 1975 replaces the United Provinces Panchayat Raj Act, 1947[8]. The former Act envisages a three-tier structure—at the village level Gram Sabha and its executive body Gram Panchayat, at the Block level Panchayat Samiti and at the District level Zila Parishad*. But the latter Act envisaged only one-tier stucture—Gram Sabha at the village level.

The Manipur Panchayati Raj Act, 1975 extends to the whole rural areas of Manipur Valley. But it shall not operate in areas where the Manipur (Hill Areas) District Council Act, 1971 or the Manipur (Village Authorities in Hill Areas) Act, 1956 is in force or in areas which are or may be comprised in a municipality, town area, notified area or a cantonment. But the Act shall extend to the areas where the U P Panchayat Raj Act, 1947 had been in force and to the

Local extent of the Act.

* Similar powers are now exercised by a Nyaya Panchayat under the Manipur Panchapati Raj Act, 1975. Explanations to these sections are given in the relevant context.

7. Chapter VI of the Act.

8. Vide Section 249 of the Manipur Panchayati Raj Act, 1975 ; this Act came into force with effect from 10-1-1978.

* This follows All-India-pattern of Panchayati Raj introduced in 1959 ; for further study vide Introduction of this Book.

Hill villages where there had been Panchayat system under order of the Government[8-A]. Thus, in Senapati Hill District three Gram Sabhas—Kanglatongbi Gram Sabha, Keithel Manbi Gram Sabha, Kangpokpi Gram Sabha (now partly covered and administered by the Kangpokpi Small Town Committee) which were established under the U.P. Panchayat Raj Act, 1947, have also been functioning as per the direction given by the Hon'ble Gauhati High Court[9].

GRAM SABHA:

It is established in a rural area having a population of at least 4000 but not exceeding 6000. But the maximum population may, sometimes, reach 10000 due to local conditions. The State Government specifies the name of a Gram Sabha and its local limits[10]. A Gram Sabha is a body corporate having perpetual succession and a common seal It can hold, acquire and dispose of property and enter into contracts. It can sue and be sued in its name[11]. All persons within its local limits are its members if (a) they are citizens of India, (b) they are of sound mind, (c) they are qualified for voting. A person is disqualified for being a member of Gram Sabha if (a) he ceases to be a citizen of India, (b) he becomes of unsound mind, (c) he is disqualified for voting under law ; (d) the area of his residence has been excluded from his Gram Sabha and (e)

8-A. ibid. Section 1 (2) proviso.

9. Vide the Judgment & Order dated the 1st June, 1979 passed by the Hon'ble Gauhati High Court in its Civil Rule No. 137 of 1979/15/78 in Ran Bahadur alias Ram Bahadur Chhetri & others Vs. State of Manipur & another.

10 The Manipur Panchayati Raj Act, 1975, Section 3.

11. Section 4.

he ceases to be ordinarily resident within his Gram Sabha area[12].

A Gram Sabha has its own Pradhan and Upa-Pradhan who are elected by direct election by secret ballot from amongst its members. The term of their office is co-terminus with that of the Gram Panchayat (Five years) The State Government can appoint a member as pradhan if the Gram Sabha fails to elect the Pradhan[13].

A Gram Sabha shall hold meeting at least once, every year. But the Pradhan can call a meeting on his own motion, or on requisition in writing of not less than one-fifth of the members of the Gram Sabha or if required by the Panchayat Samiti or the Deputy Commissioner or the Director of Panchayats within 30 days from the receipt of such requisition, or within the period directed by the Panchayat Samiti or the Deputy Commissioner, as the case may be. For any meeting 1/10 members shall form quorum If there is no quorum, meeting is to be adjourned not later than 15 days from the date of its meeting. But no quorum is necessary for such an adjourned meeting. Any officer authorised by the Deputy Commissioner or the Director of Panchayats has the right to participate in the meeting of Gram Sabha, but without right to vote. The Pradhan in his absence the Up-Pradhan shall preside over the meetings. In the absence of both of them, the member present shall choose from amongst themselves, a member to preside over the meeting[14].

12. Section 5 & 6.
13. Sections 10 & 11.
14. Section 12.

GRAM PANCHAYAT :

Every Gram Sabha has an executive committee called the Gram Panchayat[15]. The Gram Panchayat consists of the pradhan and other elected members not exceeding thirteen. Seats are reserved for the Scheduled Castes and Schedule Tribes and the reservation is made in such a way that the number of seats so reserved bears, as nearly as may be, the same proportion to the total number of their seats in the Gram panchayat. The State Government may appoint any Government officer as ex-officio member of the Gram panchayat[16].

For the purpose of election of the pradhan and the members of the Gram panchayat, the Deputy Commissioner divides a Gram Sabha area into a number of wards. Each ward elects its own member. The pradhan and other members are elected simultaneously by direct election and sacred ballot, by the local people who are entitled to vote at the election to the Manipur Legislative Assembly[17].

The term of Gram panchayat is five years from the date of its constitution, and the expiry of the said period of five years shall operate as dissolution of the Gram panchayat The State Government may extend the term for a total period of not more than one year in the aggregate[18].

The State Government has also the powers to supersede a Gram panchayat for a period not exceeding one year on any of these grounds—(a) incompetency to perform its duty ; (b) persistent default in the performance of its duty ; (c) abuse of its powers. If a Gram panchayat

15. Section 14.
16. Section 15.
17. Section 7, 17 & 19.
18. Section 22.

is superseded, the Pradhan, the Upa-Pradhan and all members shall vacate forthwith their offices. Its powers and functions shall be exercised by a person appointed by the State Government[19].

A Gram Panchayat shall meet for transaction of business at least once in every month at the office of the Gram Panchayat. The Pradhan may also call a meeting if he thinks that the meeting is necessary in the public interest. He may also call a meeting upon a written requisition of not less than one half of the total membership of the Gram Panchayat, or if he is directed to do so by the Panchayat Samiti or the Director of Panchayats. The quorum for the meeting is one-half of the total members of the Gram Panchayat. If there is no such quorum, the meeting shall stand adjourned At such meeting the Pradhan, in his absence the Upa-Pradhan shall preside; and in their absence, the members present shall choose from amongst themselves one to preside over the meeting[20].

A Gram Panchayat has also its own Secretary appointed by the Director of panchayats. The Secretary is the ex-officio Secretary to the Gram Sabha. With the previous sanction of the Panhayat Samiti, Gram Panchayat can also appoint such number of officers and employees as are necessary for due and efficient discharge of its duties. The State Government may put at the disposal of Gram Panchayat Government employees for the use of the latter[21].

19. Section 23.
20. Section 30.
21. Section 40.

Powers and Functions of Gram Panchayat[22] :

A Gram Panchayat has the power to do works in respect of the following matters :

I. In the Sphere of Sanitation and Health

(1) Cleaning and Lighting of streets ;

(2) Sanitation and conservancy of the Gram Panchayat area ; prevention of public nuisance ;

(3) Burial and cremation grounds ; places for disposal of dead animals and other offensive matters ;

(4) Supply of water for drinking and domestic use ;

(5) Maintenance of Panchayat roads, drains, bunds, tanks, wells and other public places or works ;

(6) Layout and maintenance of play-grounds for village children and of public garden ;

(7) Construction and maintenance of public latrines ;

(8) Prevention of any infectious disease ;

(9) Removal of rubbish heaps, jungle growth ; filling in disused wells ; unsanitary ponds, pools, ditches etc., prevention of water logging, and water hyacinth in irrigated areas, and other improvement of sanitary condition.

II. In the Sphere of Public Works.

(1) Regulation and development of grazing grounds, village common and other community vested in it ;

(2) Control and maintenance of buildings, institutions and property belonging to it ;

(3) Planting trees along roads and public places ;

(4) Establishment and maintenance of cattle pounds and performance of connected functions ;

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22. Section 34.

(5) Destruction of astray and ownerless dog ;

(6) Maintenance and regulation of bus stands, carriage or car stands ;

(7) Construction, maintenance and repair of buildings water-ways, public roads, drains, embankments, bunds, bridges and culverts ,

(8) Excavation, cleaning and maintenance of tanks and ponds for pisciculture or supply of water to animals.

(9) Maintenance and regulation of the use of public buildings, grazing lands, forest lands, tanks, wells and fisheries vested in it or under its control.

III. In the Sphere of Education, Sports & Culture

(1) Maintenance of public radio sets for the benefit of its local people, running of community centres and reading rooms ;

(2) Establishment and maintenance of libraries and adult literary centres ;

(3) Establishment and maintenance of theatres and other recreation centres for promotion of art and culture ;

(4) Popularisation of sports and games and establishment of clubs, gymnasiums, playgrounds, parks etc.

IV. In the Sphere of Self-Defence & Village Defence.

(1) Assistance in the organisation of the Village Volunteer Force and Village Defence Parties ;

(2) Assistance in extinguishing and protecting life and property when fire occurs.

V. In the Sphere of Administration.

(1) Survey and maintenance of statistics, and doing census ;

(2) Distribution of reliefs.

(3) Supplying local information when required by the Government or by any statutory authority ;

(4) Execution of works assigned to it for execution by the Panchayat Samiti or by the Zila Parishad.

(5) Preparation, organisation and implementation of production plans—both for agricultural and non-agricultural produces ;

(6) Control of cattle stands, threshing grounds and community waste lands.

(7) Establishment, maintenance and regulation of fairs, pilgrims nnd festivals ;

(8) Preparation of development plans for its areas and statement showing the required finance.

(9) Registering births, deaths and marriages ;

VI. In the Sphere of Welfare of people.

(1) Organisation of welfare activities for women, children, and backward classes ;

(2) Assistance in relief of distress caused by flood draught, earthquake, scarcity condition and other calamities ;

(3) Organisation of youth organisations, co-operative Societies, village volunteer force, fields management communities, village production committees etc.

(4) Construction and maintenance of village markets, public places of worship ;

VII. In the Sphere of Agriculture, Forest Animal Husbandary.

(1) Development of Agriculture, Horticulture and Pisciculture.

(2) Construction and maintenance of places for storage of cow-dung ; proper use of it for agricltural purpose.

(3) Arrangement of agricultural trainee to the cultivators with assistance of Government, Co-operative Societies and Banks ;

(4) Bringing under cultivation waste and fallow land vested in it.

(5) Encouragement of improved methods of cultivation ,

(6) Conservation of manurial resources ; preparing of compost, selling of manures ,

(7) Establishment and maintenance of nurseries for supply of improved seeds, and supply of improved tools and implements assigned by the Government ,

(8) Soil conservation, land reclamation, tree plantation, maintenance of village forests etc ;

(9) Improvement of cattle and methods of poultary keeping, piggery etc ;

(10) Crop protection and crop experiments ,

(11) Promotion of Co operative farming agricultural farming corporations, establishment of granaries etc. ;

VIII. In the Sphere of Village Industries.

(1) Promotion, improvement and encouragament of cottage and village industries ;

(2) Carrying out of any measure likely to promote the health, safety, education, comfort, convevience, social or economic, or cultural wellbeing of the local people ;

(3) Making of provision for any public reception ceremony, entertainment within its area if a resolution for the purpose is passed by a majority of the two-thirds of the total number of its nembers, or making contribution towards an annual gathering or other gathering of the Gram Panchayats in the District or State.

A Gram Panchayat has also the power to carry out the duties and functions assigned to it by the Panchayat Samiti, the Zila Parishad or by State Government. It has also the power to reeeive, invest money or enter into contract with any person, on behalf of the Gram Sabha.

But the aforesaid functions must not exceed the limit of the funds and resources at the disposal of the Gram Panchayat.

With the previous sanction of the Panchayat Samiti and subject to such conditions as may be prescribed, a Gram Panchayat may borrow money from the Government or any local authority to carry out powers and functions assigned to it by this Act[23]. It can also enter into a contract with the State Government or any local authority to collect, within its local area, taxes or dues payable to the Government or the local authority upon payment of collection charges ; or to carry out any work on such terms as may be agreed[24].

23. Section 38.
24. Section 36.

Financial Power[25].

For the purpose of this Act and with the previous sanction of the State Government, a Gram Panchayat may impose and levy within its local area, all or any of the following taxes, fees, rates, namely :

(a) house tax ;

(b) tax on daily, bi-weekly or weekly markets whether located on private land or otherwise ;

(c) tax on carriage, carts, bicycles, rickshaws, boats and packs of animals ;

(d) Octroi or terminal tax ;

(e) Conservancy tax.

(f) Water rate where drinking water is supplied by it ,

(g) Lighting rate where lighting arrangement is made by it.

(h) Fee from cattle ponds maintained by it.

(i) Fees to be charged for registration of animals sold within its area.

(j) Fees for use of Dharmasala or slaughter house , and

(k) Fees for use of grazing grounds vested in it.

Any arrear of tax and other dues payable to the Gram Sabha under this Act shall be reovered as arrears of land revenue if the concerned Gram Panchayat passes a resolution in the effect[26].

25. Section 50.

26. Section 51.

GRAM FUND[27].

A Gram Sabha has its own fund called the Gram Fund. The following shall form part of, and be paid into the Gram Fund namely :

(a) The proceeds of any tax, cess, fees, toll etc. imposed by the Gram Panchayat ;

(b) The amount allotted by the State Government ;

(c) All sums ordered by a Court to be placed to the credit of the Gram Fund.

(d) The sale proceeeds of all dust, dungs or refuse including the dead bodies of animals collected by Gram Panchayat ;

(e) Income from cattle ponds ;

(f) Such protion of the rent or other proceeds of the property of the State Government as may be placed at the credit of the Gram Fund.

(g) Sums contributed to the Gram Fund by the Panchayat Samiti ;

(h) All sums received by way of loans from the State Government or the Panchayat Samiti or by way of gift ;

(i) The income from or sale proceeds of any property vesting in the Gram Sabha ;

(j) Such other sums as may be assigned to the Gram Fund by special or general orders of the State Government ; and

(k) All sums payable to the Gram Fund under this Act.

The Gram Fund is vested in the Gram Sabha and held by the concerned Gram Panchayat. The administration of this fund shall, subject to the

27. Section 44.

general control of the Panchayat Samiti, be in the hands of the Gram Panchayat[28]. Accounts of receipt and expenditure of the Gram Panchayat are kept in the prescribed forms. An Officer oppointed by the Director of Panchayats shall audit the accounts at the end of each financial year[29]. A Gram Panchayat shall also prepare a budget statement of Receipt and Expenditure for the next financial year and submit the same to the Panchayat Samiti for approval. The Sanchayat Samiti shall approve the budget within a period of one month of its receipt. No expenditure, not provided for in the budget so approved, shall be incurred without the previous sanction of the Panchayat Samiti[30].

Annual Administrative Report.

A Gram Panchayat shall prepare its annual administration report and place the same for approval before the Gram Sabha at its meeting. The report thus approved together with the audit, if any, shall be put to the Panchayat Samiti[31].

Powers and Duties of Pradhan[32].

The Pradhan is directlp responsible for carrying out the resolution of the Gram Panchayat, passed by it in accordance with the provisions of this Act (The Manipur Panchaoati Raj Act, 1975).

He shall—(a) regulate the meetings of the Gram Sabha and the Gram Panchayat (b) keep the records and registers of the Gram Sabha and the Gram Panchayat in his custody ; (c) exercise supervision and control over the

28. Section 45.
29. Section 47.
30. Section 48.
31. Section 49.
32. Section 32.

acts done and action taken by all the employees of the Gram Panchayat; (d) operate jointly with the Gram Panchayat Secretary the fund of the Gram Sabha including authorisation of payment issue of cheques and refunds; (e) issue receipts under his signature for sums of money received by him on behalf of the Gram Panchayat; (f) cause preparation of all statements and reports required under this Act; (g) exercise all such other powers and functions assigned to him by this Act or rules made thereunder.

The Up-Pradhan shall, in the absence of the Pradhan, regulate the meetings of the Gram Sabha and the Gram Panchayat. He shall also exercise such powers and functions as are delegated to him by the Pradhan. When the pradhan is removed from his office under no confidence resolution by the Gram Sabha or when the Pradhan has been continuously absent from the Gram Sabha area for more than 15 days or is incapacitated or elected as the Pramukh of the Panchayat Samiti, the Up-Pradhan shall exercise the powers and functions of the Pradhan[33].

PANCHAYAT SAMITI

It is established for each block area. It bears the name of the Block. It is a body corporate by the name of its Block, having perpetual succession and a common seal. It can sue and be sued in its name[34] :

Composition[35].

A Panchayat Samiti consists of the following members: (a) all pradhans of all the Gram Sabha in the block. If the

33. Section 32.
34. Sections 52 & 53.
35. Section 54.

office of Pradhan of any Gram Sabha is vacant, the Up-Pradhan of the Gabha, shall until the vacancy is filled in, be a member of the Panchayat Samiti If the offices of both the Pradhan and the Up-Pradhan are vacant, any person elected by the members of the Gram Panchayat from amongst themselves shall until either of the two vacancies is filled in, be member of the Panchayat Samiti (b) all members of the Legislative Assembly whose respective constituencies wholly or partly fall within the block. Such a member has right to attend the meeting of the Panchayat Samiti or of any standing Committee there-of. But he has no right to vote or to be elected as Pramukh or Up-Pramukh of such Panchayat Samiti or as member or as member or Chairman of any Standing Committee thereof.

The members stated in clauses (a) and (b) above soon after the constitution or reconstitution of the Panchayat Samiti shall co-opt these additional members of the Panchayat Samiti, who shall have the right to vote :

(a) not more than two women-members if there is no woman-member or only one woman-member ,

(b) one from the scheduled caste if there is no member from such caste ;

(c) one from the scheduled tribe if there is no member from such tribe and their population in the block exceeds five per cent of the total population of the block

(d) one member to be nominated, as representative of the co-operative society with the Block, by the the Registrar, Co-operative Societies.

The term of a Panchayat Samiti is five years with effect from such date as may be notified by the State Government in this behalf[36].

36. Section 56.

Every Panchayat Samiti has Pramukh and Up-Prakukh elected from amongst its members[37]. The term of their office is co-terminus with that of the Panchayat Samiti[38]. The Pramukh and the Up-Pramukh are in charge of the general administration of the Panchayat Samiti[39]. The former, in his absence the latter presides over the meetings of the Panchayat Samiti held for its general administrative works[40]. For due and efficient discharge of its fuuctions, a Panchayat Samiti constitutes, from amongst its members, Standing Committees, such as, Standing Committee for production ; Standing Committee for works ; Standing Committee for finance ; Standing Committee for Co-operation and industries ; Standing Committee for Education and Social Welfare[41].

Powers and Functions of Panchayat Samiti[42].

A Panchayat Samiti has the power to do welfare works in respect of the following matters :

I. Regarding Sanitation and Health.

(1) Sanitation and Health ; curative and preventive measures in respect of an epidemic.

(2) Medical relief including establishment and maintenance of dispensaries.

(3) Establishment and maintenance of maternity and child welfare, family planning centres.

(4) Encouragement of human and animal vaccination.

37. Section 57.
38. Section 60.
39. Section 66.
40. Section 67.
41. Section 68.
42. Section 70.

(5) Organisation and maintenance of School and Health service.

(6) Facilities for Health Education.

(7) Establishment and maintenance of Ayurvedic, Unani and homeopathic dispensaries and giving aids to such institutions.

(8) Opening medical relief centres.

(9) Water supply schemes.

II. Regarding public works :

(1) Construction and maintenance of buildings, roads, bridges, embankments, drains, waterways or any other works or schemes.

(2) Establishment, improvement and regulation of bazars, melas ; construction of stalls on the Bazar lands or on lands of the Gram Panchayat and Panchayat Samiti.

(3) Control and maintenance of buildings institutions, properties vested in it ;

(4) Establishment and maintenance of institution, farm or industries ; schemes for rural employment.

(5) Establishment and maintenance of warehouse, trading centres, workshops or repair of agricultural implements and machineries.

(6) Management of community lands.

III. Regarding Education and Culture.

(1) Management and administrative control of primary schools.

(2) Establishment and maintenance of theatres or centres for promotion of art and culture.

(3) Construction and improvement of school buildings and play grounds for schools.

(4) School feeding programme and establishment of horticultural and vegetable gardens in the school compounds,

(5) Observance of National weeks and days.

(6) Other educational objects including exhibition, educational tours, seminars etc.

IV. Regarding Administration.

(1) Scrutinising and approving budget of the Gram Panchayat; issuing instructions to the Gram Panchayat.

(2) To supervise, guide and co-ordinate the activities of the Gram Panchayats.

(3) To settle bazars and public ferries.

(4) To regulate, maintain and improve bazars and public ferries.

(5) To settle, control, improve, and sell the fisheries vested in it.

(6) Administration of the employees of both Gram Panchayat and Panchayat Samiti.

(7) Preparation and implementation of plans entrusted to it by the State Government and the Zila Parishad in respect of the Block and the Gram Panchayats.

(8) To distribute to the Gram Panchayats funds entrusted to it for distribution by the State Government and the Zila Parishad.

(9) To scrutinise and approve the bye-laws prepared by the Gram Panchayats.

(10) To execute works of development scheme undertaken by it or transferred to it by the Zila Parishad and the State Government.

(11) Control and supervision over the works of the officers placed at its disposal by the State Government.

V. Regarding Welfare of People.

(1) Special measures for welfare of backward areas and classes.

(2) Mobilisation and utilisation of local resources for rural development.

(3) Relief-works in case of such natural calamaties as floods, drought, earthquake, scarcity conditions etc

(4) Organisation of welfare activities amongst youths women and children.

(5) Prevention of offensive and dangerous trades and practices.

(6) Construction and maintenance of Dharmsalas, rest houses, camping grounds etc.

VI. Regarding Agriculture and Horticulture.

(1) Plans for development of Agriculture and Horticulture.

(2) Construction and maintenance of minor irrigation works.

(3) Agriculture extension programme.

(4) Crop protection.

(5) Crop campaigns, intensive paddy cultivation including crop competition.

(6) Distribution of agricultural implements, fertilisers and other inputes.

(7) Agricultural finance for the cultivators with assistance from Government, Co-operative institutions and banks.

(8) Establishment and maintenance of agriculture and horticulture farms.

(9) Measures for soil conservation and land reclamation.

(10) Measures for pisciculture.

(11) Establishment and maintenance of godowns.

VII. Regarding Animal Husbandry and Veterinary.

(1) Establishment and maintenance of veterinary dispensaries and veterinary aid centres.

(2) Improvement of breeds of cattle including artificial insemination centres and key village centres.

(3) Distribution of improved poultry and poultry feeds, improved breeds of cattle or sheep.

(4) Organisation of cattle-shows and rallies.

(5) Establishment and maintenance of cattle, poultry, goat and piggery farms.

VIII. Regarding Small and Village Industries.

(1) Promotion and development of small scale or cottage and village industries; grants or subsidy or loan for such production centres.

(2) Establishment and maintenance of small scale or cottage industries including training cum-production centres.

(3) Establishment and maintenance of Sericulture farms, production of Tsar, Eri, Muga, pat cocoons; popularisation of cultivation of cotton.

(4) To organise and assist industrial co-operative weaving Societies.

(5) To provide marketing facilities for cottage industries and village industries products.

XI. Regarding Co-operatives.

(1) To organise and assist Co-operative Societies for credit consumers and marketing ; to bring about an effective link between credit and marketing facilities.

(2) To organise Co-operative farming societies.

X. Regarding Revenue and Forest.

(1) Propagation of land reform measures and undertaking of land management.

(2) Organisation and Supervision of gramdan villages.

(3) Development of village forests and village grazing reserve and control thereof.

(4) Undertaking measures for afforestation and road side plantation.

(5) Grant of loans out of its funds to Gram Panchayats within its jurisdiction.

But the above enumerated powers and functions must not exceed the limits of the fund and resources at the disposal of the Panchayat Samiti.

FINANCIAL POWERS[43].

With previous sanction of the State Government a Panchayat Samiti may impose and levy within the limits of its jurisdiction, all or any of the following taxes, fees, rates and tolls, namely ;

(a) tax on land not exceeding fifteen paise in a rupee payable as land revenue thereof ;

(b) tax on prefessions, trades, or callings ;

(c) surcharge on duty on the transfer of immovable property ;

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43. Section 91.

(d) tax on tolls for market constructed by the Panchayat Samiti ;

(e) tolls on roads and bridges constructed by the Panchayat Samiti ;

(f) fees for ferries maintained by the Panchayat Samiti.

(g) toll from periodical fairs, exhibition and markets organised by the Panchayat Samiti ;

(h) fees from slaughter houses ;

(i) tax for the occupiers of the buildings where the conservancy service is rendered by the Panchayat Samiti ;

(j) tax n entertainments including amusement ,

(h) any other tax, toll, rate or fees.

But the Panchayat Samiti shall have no power to mpose a tax or fee which a State Legislature has no power t impose under the Constitution of India.

OTHER POWERS.

A Panchayat Samiti can do all acts necessary for the due and efficient discharge of its powers and functions[44]. It also exercises supervision over the Gram Panchayts within its jurisdiction. It can also call for records from any one of its Standiug Committees and revise any decision adopted by any such Committee. It has also the power to call for any record, return, statement of account or report from a Gram Panchayat for scrutinisng[45]. It has the power to require the attendance of any officer at any of its meetings if his presence there-at is desirable for the purpose of obtaining his views or any information from him on any point in respect of the powers and functions of the

44. Section 72.
45. Section 74 & 75.

Panchayat Samiti[46]. It shall also execute those works entrusted to it by the State Government[47]. It shall also be in charge of the property that belongs to it[48].

Panchayat Samiti Fund[49].

A Panchayat Samiti has its own fund called the Panchayat Samiti Fund. The fund is made up of the following sums :

(a) all sums given for institutions and schemes transferred to it by the State Government.

(b) all sums allotted by the State Government for implementation of the Community Development programmes in the block ;

(c) all donations to it by the State Government, Central Government and public institution or the public ;

(d) such percentage of land revenue, other taxes or fees as may be payable by the State Government to the Panchayat Samiti.

(e) the proceeds of any tax, fee, rate etc. which it may levy ;

(f) surcharge on duty on transfer of immovable property ;

(g) rents and profits from property vested in it ;

(h) proceeds from periodical fairs and exhibitions organised by it within the block ;

(i) share of motor vehicle tax ;

(j) all sums ordered by the court to be credited to the Panchayat Samiti Fund ; and

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46. Section 76
47. Section 71.
48. Section 80.
49. Section 83.

(k) all sums payable to the Panchayat Samiti Fund under this Aet.

A Panchayat Samiti shall apply its fund for the discharge of its powers and functions and for execution of such schemes as are entrusted to it by the State Goverenmens[50].

Control Over Panchayat Samiti.

Financially, a Panchayat Samiti is under the control of the Zila Parishad, the Deputy Commissioner and the Director of Panchayats. Its budget for the next financial year is submitted to the above authorities for their approval. An officer deputed by the Director of Panchayats shall audit the accounts of the Panchayat Samiti at the end of each financial year[51].

The State Government or the Deputy Commissioner has the power to suspend the execution of any resolution or order of a Panchayat Samiti, or prohibit the doing of any act by it if the resolution or order or the act is likely to cause a serious breach of peace or obstruction, annoyance or injury to the public, or danger to human life, health or safety[52]. The State Government has also the power to supersede it in case of incompetence or default in respect of the discharge of its powers and functions or abuse of its powers. During the period of supersession a person appointed by the State Government shall discharge the powers and functions of the Panchayat Samiti and any of its Standing Committees[53]. The State Government can also dissolve a Panchayat Samiti if all of its members have failed to attend its meeting without reasonable cause or have

50. Section 48.
51. Section 85 & 86.
52. Section 87.
53. Section 88.

tendered resignation or if some of them have tendered resignation while the rest fail to attend a meeting. If a Panchayat Samiti is so dissolved, the State Government shall appoint a person of its choice in that behalf to exercise the powers and functions of the Panchayat Samiti[54].

Pramukh And Up-Pramukh.

A Panchayat Samiti has its Pramukh and Up-Pramukh. They are elected from amongst its members at the first meeting held for the purpose after the constitution or reconstitution of the Panchayat Samiti. If a Panchayat Samiti fails to elect them, the State Government shall appoint them from amongst its members[55]. Their term of office is co terminus with that of the Panchayat Samiti[56]. But they may be removed earlier from office. For their removal a no-confidence motion shall be moved by a member of the Panchayat Samiti after giving to the Deputy Commissioner at least 15 day's notice as to the purpose, in writing and signed by not less than one third of the total number of members of the Panchayat Samiti. On such a motion a meeting shall be held, and if, in such a meeting, a resolution for the removal of the Pramukh or the Up-Pramukh is passed by a majority of at least two-thirds of the total members present and voting and such majority is more than one half of the total number of members of the Panchayat Samiti for the time being, the Pramukh or the Up-Pramukh shall cease to hold offiice with effect from the date next after the date of such resolution[57]. The Pramukh or the Up-Pramukh may tender resignation in writing before the expiry of their

54. Section 89.
55. Section 57.
56. Section 60.
57. Section 62.

term of office; the former by writing to the Deputy Commissioner, the latter by writing to the former[58].

Powers and Functions of Pramukh and Up-Pramukh[59].

The Pramukh of a Panchayat Samiti has the power :

(a) to convene, preside over and conduct the meetings of the Panchayat Samiti except the meeting held on a no-confidence motion moved for his removal ;

(b) to exercise control over the financial and general administration of the Panchayat Samiti and general supervision and administrative control over the B D O. and other Staff of his in relation to the implementation of the decision and observation of the Panchayat Samiti and the Standing Committee thereof ;

(c) to submit to the Panchayat Samiti all cases which require decision and sanction ;

(d) to perform all such functions and exercise all such powers as are imposed on or delegated to him.

In case of emergency, the Pramukh may in consultation with the B D.O. :--

(a) direct the execution of any work or act that required the sanction of the Panchayat Samiti or any Standing Committee thereof if such work or act is necessary for the maintenance of services and the safety of general public.

(b) stay the execution of any such work or act for reasons to be recorded in writing.

(c) subject to the approval of the Zila Parishad, change any programme of the Panchayat Samiti.

58. Section 61.

59. Section 66.

But the Pramukh shall not direct or stay the execution of the aforesaid work or act in violation of the orders of the State Government. He shall also report the action he has taken to the Panchayat Samiti or the Standing Committee, as the case may be, at its next meeting.

The Pramukh shall, at the end of every year, send a confidential report as to the working of the B D O during the year to the Deputy Commissioner who shall send a copy of that report to the State Government along with his own confidential report.

The Up-Pramukh shall :—

(a) in the absence of the Pramukh, preside over the meetings of the Panchayat Samiti ;

(b) exercise such powers and perform such duties of Pramukh, pending the election of the Pramukh during the absence of the Zila Parishad or otherwise

The Up-Pramukh has to take over the charge and hold the office of the Pramukh when the Pramukh is elected, or appointed as a president of the Zila Parishad.

Standing Committee[60]:

Every Panchayat Samiti shall constitute from amongst its members verious committees. These committees have their own powers and functions. The committees given in this Act (The Manipur Panchayati Raj Act, 1975) are—(a) Standing Committee for Production ; (b) Standing Committee for Works ; (c) Standing Committee for Finance ; (d) Standing Committee for Co-operation and Industries ; (e) Standing Committee for Education and Social Welfare. Each Standing Committee shall consist of not less three but not more than five members, who shall be by the

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60. Sections 68 & 69.

Pramukh. No member shall be nominated to more than one Committee The members of each committee shall elect from amongst its members a Chairman. Where the Pramukh is a member of such a committee, he shall be the ex-officio chairman thereof. The term of such a Standing Committee, its meeting and selection shall be provided by the bye-laws framed by the Panchayat Samiti and approved by the State Government.

ZILA PARISHAD.

The State Government shall constitute Zila Parishad for a district bearing the name of the District and having jurisdiction over it. For this purpose two or more districts may be grouped as a single district or a district may be divided into many districts[61].

A Zila Parishad shall be a body corporate by the name of its district, having perpetual succession and common seal It can sue and be sued in its name. It can acquire, hold and transfer property. It can also enter into contrats[62].

Composition[63].

A Zila Parishad shall consist of these members :

(a) the Pramukh of each Panchayat Samiti in the District or the Up-Pramukh if the office of the Pramukh is vacant or a person elected by the Panchayat Samiti from amongst its members if the offices of both the Pramukh and Up-Pramukh are vacant ; (b) members of the House of

61. Section 93
62. Section 94.
63. Section 95.

People whose respective constituencies wholly or partly fall within the District and the members of the Manipur Legislative Assembly whose respective constituencies wholly or partly fall within the District. They shall have no right to hold any office of the Zila Parished but shall have the right to vote. They shall cease to be its members when they cease to be the members of the House of the People or of the Manipur Legislative Assembly, as the case may be ; (c) the President of any Co-Operative Bank within the District to be nominated by the Registrar, Co-Operative Societies, Manipur ; (d) One representative of the District Co-Operative Union, if any. No President or representative shall have right to hold any office of the Zila Parishad but shall have the right to vote

These members, as soon as possible after the constitution or re-constitution of the Zila Parishad, shall co-opt the following members, who shall have the right to vote :

(a) two women members if there are no such women members ;

(b) one woman member if there is only one woman member ;

(c) one person belonging to the Scheduled Caste if there is no member from such caste ;

(d) one person from the Scheduled Tribe if there is no member from such Tribe and their population in the district exceeds five percent of the total population of that district ;

(e) two persons experienced in administration, public life or rural development

Chairman of each Municipality and each notified area within the district shall be the ex-officio member of the Zila Parishad. He has the right to attend its meeting and participate in the deliberations of such meetings but he has no right to vote.

The term of the Zila Parishad, unless otherwise terminated earlier, shall be five years with effect from the date notified by the State Government in this behalf[64].

A Zila Parishad shall have a President and a Vice-President who shall be elected from amongst its members[65]. The President shall convene, preside over and conduct the meetings of the Zila Parisad. He shall also exercise administrative control over its staff and provide guidance to the Panchayats in respect of their plans and production programmes. In the absence of the President either on leave or otherwise, the Vice-President shall exercise the powers and functioes of the former[66]. For due and efficient discharge of its powers and functions, a Zila Parishad may constitute such sub-committees as it may deem necessary[67].

Powers and Functions of Zila Parishad[68].

A Zila Parishad shall have the following powers and functions within its local jurisdiction :

(1) examination and approval of the budget of the Panchayat Samiti ,

(2) distribution of funds amongst the Panchayat Samiti ;

(3) co-ordination and consolidation of the plans prepared by Panchayat Samitis ;

(4) co-ordination of the works of the Panchayats and Panchayat Samitis ;

64. Section 97.
65. Section 97.
66. Section 107.
67. Section 111.
68. Section 112.

(5) general supervision over the activities of the Panchayat Samitis ;

(6) management of trusts, endowments and other institutions, under any law or under orders of the Government ;

(7) discharge of such powers and functions as are delegated to it by the Government, in respect of any development progamme ;

(8) discharge of other powers and functions conferred on it by or under this Act ;

(9) advising the State Government on all matters concerning the activities of Panchayats and Panchayat Samitis ;

(10) advising the State Government on matters concerning implementation of any statutory or executive order especially referred to it by the State Government ·

(11) advising the State Government in respect of its development scheme ;

(12) supervision over agricultural and production programmes, construction programmes, employments, small saving etc. laid down for the district ,

(13) Classification of fairs, festivals, markets, except those managed by the State Government as Panchayat and Panchayt Samiti fairs, festivals, markets ;

(14) classification of roads, except national highways, State Highways and major district roads, as Panchayat Samiti roads and village roads.

Other Powers And Functions :

For purpose of efficiently performing its functions, the Zila Parishad may, within the limits of its jurisdiction, (a) collect such data as it deems necessary ; (b) publish statistics or any information relating to Gram Panchayat and Panchayat Samitis ; (c) require Gram Panchayats or Panchayat Samitis to furnish information relating to any prescribed matters and activities ; (d) organise camps, conferences and seminars of all Pradhans, Pramukhs and other members of Panchayats and Panchayat Samitis[69].

It has also the powers to examine the record of any decison of any of its sub-committees and to confirm or revise such decision[70].

It has also the powers to call any officer of a Government Department serving in the District to attend any meeting of Zila Parishad and tender advice in respect of any matter which concerns the department to which such officer belongs. And every such officer must comply with such requisition[71].

Zila Parishad Fund And Its Application[72].

A Zila Parishad has its own fund. The sources of its income are : (a) all sums allotted to it by the Central and State Governments ; (b) all sums received by it on account of endowments, trust, institution, schemes etc. transferred by the State Government ; (c) donations and contributions from the samitis, public institutions or the public in any form ; (d) such percentage or share of land revenue, cess or local cess, State taxes or fees as may be payable by the State Government to Zila Parishad ; (e) the proceeds of any tax,

69. Section 114.
70. Section 115.
71. Section 109.
72. Sections 121, 122, & 123,

fee rate etc which the Zila Parishad may levy, (f) rents and profits from property vested in the Zila Parishad, (g) grants from All India Bodies and Institutions for any development programme, (k) proceeds from periodical fairs, exhibitions organised by the Zila Parishad, (l) all sums pavable to the Zila Parishad

The fund is used for payment of the salaries and allowances of the officers and employees of the Zila Parishad, for payment of the allowances of its members, for implementation of any development scheme entrusted to it and for any purpose under this Act

The budgets of the Zila Parishad for the current as well as next financial years are prepared by its Chief Executive Officer The budget for the current year contains the actual receipts and expenditure while the budget for next financial year shows estimates of the expected income, expenditure and other receipt After the budget estimates are finally passed by the Zila Parishad, the same are submitted to the State Government for approval If in the course of a year, the Zila Parishad finds it necessary to make changes in the budget then a supplementary budget should be prepared for the purpose The Zila Parishad should pass the supplementary budget and then submit the same to the State Government for approval [73]

The Zila Parishad also maintains accounts for each financial year An officer deputed by the Director of Panchayats audits the accounts [74]

Control Over Zila Parishad[75].

The State Government and the Director of Panchayats and other officers appointed by the former exercise control

73. Sections 124.
74. Section 125
75. Sections 126-131.

over the procedings of the Zila Perishad The Deputy Commissioner or the Director of Panchayats and other officers appointed and empowered by the State Government for the purpose may at any time inspect any property and work under the control of the Zila Parishad, any school, hospital, dispensary vaccination station dharmasalas, other institutions etc under its management and its office and records The Deputy Commissioner or the Director of Panchayats or any person empowered for the purpose may call for any record register or other documents in possession Zila Parishad for scrutiny require the Zila Parishad or its of the President to furnish any information on any matter connected with the Zila Parishad and record in writing for the consideration of the Zila Parishad or its President any observations connected with its powers and functions.

The State Government may also cancel any resolutions or order of the Zila Parishad on ground of illegality, excess or abuse of powers or on ground that the execution of the resolutions or order may lead to riot or affray

The State Government has also the power to supersede or dissolve the Zila Parishad on any of these grounds : (a) it has failed to exercise its powers and functions ; (b) it has exceeded or abused any of its powers

But before passing the orders for supersession, the State Government must give the Zila Parishad a chance to remedy the failure, excess or abuse or to give a satisfactory explanation therefor If the Zila Parishad fails to comply with such directions, the State Government may supersede it for a period not exceeding one year from a specified date, and during the period of supersession a person appointed by the State Government shall exercise the powers and functions of the Zila Parishad

In case of emergency the Deputy Commissioner, subject to the approval of the State Government, may direct to provide for the execution of any work or the

doing of any act which the Zila Parishad or its President has the power to execute or do for the implementation of development plans or safety of the public.

President And Vice-President of Zila Parishad.

A Zila Parishad has its own President and Vice President They are elected from amongst its members at a meeting held for the purpose soon after the constitution or reconstitution of the Zila Parishad[76]. The term of their office is co-terminus with that of the Zila Parishad[77]. But the President and the Vice-President may tender resignations before the expiry of their term of office ; the former by writing to the Deputy Commissioner, the latter to the former[78]. They can also be removed from their office on a no-confidence resolution of the Zila Parishad by a majority of not less than two-thirds of the total members present and voting and such majority is more than one half of the total members of the Zila Parishad at the relevant time[79]. The State Government may also remove the President or the Vice-President on any of these grounds ; (a) wilful omission or refusal to carry out the orders of the State Government ; (b) abuse of his powers : (c) being guilty of misconduct in discharge of his duties[80] If the offices of both the President and the Vice-President are simultaneously vacant, the Deputy Commissioner or a person appointed by the State Government shall discharge the powers and functions of the President, without the right to vote in any proceeding of the Zila Parishad[81].

76. Section 98
77. Section 101.
78. Section 102.
79. Section 103.
80. Section 105.
81. Section 106.

Powers and Functions of President and Vice-President[82].

The President of the Zila Parishad has the powers to :

(a) convene, preside over and conduct its meetings ;

(b) have full access to its records ;

(c) exercise administrative control over its Secretary and Staff ;

(d) encourage the growth of initiative and enthusiasm in the panchayats and provide to them guidances in the plans and production programmes and the growth of co-operative and voluntary organisations therein ;

(e) exercise other powers conferred on him under this Act ;

(f) assess the activities of the Panchayat Samitis by spot visits to the Blocks in the district :

(g) inspect the works undertaken and the records maintained by the Panchayat Samitis ;

(h) write, at the end of the year, a confidential report as to the work of the Secretary to the Director of Panchayats.

When the office of the President is vacant, the Vice-President shall exercise the powers and functions of the President until a new President is elected. When both their offices are vacant, or both of them are absent on leave or otherwise, a member elected from amongst the members of the Zila Parishad shall exercise the powers and functions of the President.

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82. Section 107.

NYAYA PANCHAYAT

Constitution[83].

A Nyaya Panchayat is established for a circle for administration of justice therein. Such a circle consists of Gram Sabha area or areas. It is known by such name as is specified in the notification of the State Government. A Nyaya Panchayat consists of such number of panchas as the State Government fixes but not exceeding five. Where a Nyaya Panchayat circle consists of more than one Gram Sabha each Gram Sabha within the circle shall have proportionate representation in the Nyaya Panchayat on the basis of population. The panchas are elected from amongst its members by the Gram Panchayats within the circle. Their appointments are published in the official Gazette by the Deputy Commissioner.

The term of the Nyaya Panchayat is co-terminus with that of the Gram Panchayat

A Nyaya Panchayat has also its own Sarpanch and Up-Sarpanch, who are appointed by the State Government in consultation with the District Judge from amongst the elected panchas. Their appointment also are published in the official Gazette.

No person shall be qualified for election as a panch unless he (a) has attained the age of 30 years; (b) is member of a Gram Sabha within the concerned circle; (c) is able to read and write Manipuri or Hindi in Devanagari script*.

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83. Section 132-38

* Under Section 58 of the Manipur State Constitution Act, 1947. the court language was declared to be Manipuri or English. This law is still in force vide Laisram, AIR 1959 Manipur 46. Therefore, ability to read and write Hindi as one qualification of a panch is an anomaly.

A Panch may tender resignation in writing to the Sarpanch ; the latter by writing to the Director of Panchayats. The Director of Panchayats may also remove a panch from office on ground of misconduct in the discharge of official duty, or negligence or refusal or incapacity to discharge his duty.

The business of the Nyaya Panchayat is conducted in accordance with the rules made in this behalf[84].

The Sarpanch, in his absence, the Up-Saranch presides over the meetings of the Nyaya Panchayat ; in the absence of both of them the panchas elect from amongst themselves one to preside over the meeting[85]. A Nyaya Panchayat also has a secretary and staff of its own to assist it in the performance of its powers and functions. He is appointed by the Director of Panchayats[86].

Civil and Criminal Jurisdiction of Nyaya Panchayats[87].

Extent of civil jurisdiction : A Nyaya Panchayat has the power to try the following suits of the value upto Rs. 500/-

(a) a money suit ;

(b) a suit for recovery of movable property or for the value thereof ;

(c) suit for compensation for wrongfully taking or injuring movable property ;

(d) a suit for compensation for damage caused by cattle trespass.

But it has no power to entertain the following suits :

(a) a suit for a balance due on partnership account ;

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84. See Chapter IX of The Manipur Panchayat and Nyaya Panchayat (General) Rules, 1978.

85. Section 142

86. Section 143.

87. See Chapter XIX of the Act.

(b) a suit in respect of testamentary and intestamentary successions ;

(c) a suit by or against the Government or a public servant in respect of the official acts ;

(d) a suit by or against a minor or a person of unsound mind :

(e) a revenue case unless empowered to try the same ;

(f) a suit over which a civil court jurisdiction is barred ;

A suit shall be instituted only in the Nyaya Panchayat under whose jurisdiction the defendant or any of the defendants ordinarily resides or carries on business at the time of the institution of the suit.

A Nyaya Panchayat shall not entertain a suit, the institution of which is barred by limitation*. It shall also not entertain a suit which is already decided by or sub-judice of another Nyaya Panchayat or court of competent jurisdiction.

Extent of Criminal Jurisdiction :

A Nyaya Panchayat has jurisdiction to try the following criminal cases :

(a) offences under sections 140, 160, 172, 174, 179, 269, 277, 283, 285, 289, 290, 294, 323, 334, 341, 352, 357, 358, 374, 379, 403, 411 where the value of the property in the offences under sections 379, 403 and 411 does not exced Rs. 250/- and offences under sections 426, 428, 430, 431, 447, 448, 504, 508, 509 and 510 of the Indian Penal Code ;

* As laid down in the Limitation Act, 1963.

(b) offences under sections 24 and 26 of the Cattle Trespass Act, 1871*.

(c) any other offence under above Acts or any other Act if empowered to try the same.

See Village Court in Chapter Three of this Book. The sections of the Indian Penal Code not explained there are explained here : Section 140 : offence arising from wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is such a soldier, sailor or airman ; Section 172 : absconding to avoid service of summons or other proceeding from a public servant, court of justice etc, ; Section 174 : not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority, court of justice etc, ; Section 283 : causing danger, obstruction or injury in any public way or line of navigation ; Section 357 : assault or use of criminal force in attempt to confine a person ; Section 374 : unlawful compulsory labour ; Section 403 : dishonest misappropriation of movable property, or converting it to one's own use ; Section 428 : mischief by killing, poisoning, maiming or rendering useless any animal of the value of Rs. 50/- or upwards ; Section 430 : mischief by causing diminution of supply of water for agricultural purposes etc. ; Section 431 : mischief by injury to public road, bridge, navigable river, or navigable channel and rendering it impossible or less safe or travelling or conveying property ; Section 508 : act caused by inducing a person to believe that he will be rendered an object of Divine displeasure ; Section 509 : appearing in a public place etc. in state of intoxication, and causing annoyance to any person.

But a Nyaya Panchayat has no power to inflict a substantive sentence of imprisonment It has, however, the power to pass a sentence of fine upto Rs. 100/- ; no imprisonment shall be awarded in default of payment of fine.

A Nyaya Panchayat Court shall not take cognizance of any criminal case against the following persons within its local jurisdiction :

(a) a public servant ;

(b) a convict in respect of theft and receiving stolen Property (as previously convicted by any Nyaya Panchayat).

(6) a person under bond, for good behaviour, under section 109 or 110 of the Code of Criminal Procedure, 1973 ;

(d) a convict under the Public Gambing Act, 1867.

It has the power to release a youthful offender after due admonition or on bond of Rs. 100/- executed by his guardian for his good behaviour.

All the offences triable by the Nyaya Panchayats are compoundable.

Procedure of cases.

A proceeding, either civil or criminal, before the Nyaya Panchayat shall be the guided by the principles of natural justice—nemo judex in causa sua* and audi alteram partem**. A Nyaya Panchayat has the power to regulate its own proceeding. Legal practioners can not appear and plead for cases before it. But the dulo authorised agents of the paries so the case are allowed to appear for their parties cases. A Nyaya Panchayat in conducting trial must follow the spirit of the Code of Criminal Procedure, 1973,

* No one shall be the judge in his own cause ;

** No one should be condemned unheard.

the Indian Evidence Act, 1872 and the Code of Civil Procedure 1908 Difficult and important cases should be referred to the concerned Munsiff or the Judicial Magistrate 1st Class.

A case, either civil or criminal, may be instituted orally or in writing in a Nyaya Panchayat. After hearing the parties and recording necessary evidence, the sentence in a criminal case or the decree in a suit is given. If it cannot execute the sentence or the decree, it shall forward the same to the concerned Judicial Magistrate First Class or the Munsiff for execution thereof.

But a Nyaya Panchayat shall not entertain a suit barred by limitation*.

Control over Nyaya Panchayat.

The concerned Munsiff exercises revisional jurisdiction over the civil cases before the Nyaya Panchayat. Likewise, the concerned Judicial Magistrate 1st Class exercises revisional jurisdiction over the criminal cases before it. The Munsiff or the Judicial Magistrate First Class can pass such orders as he thinks fit and proper in the circumstances of the cases. Such orders are final and conclusive.

No action shall lie for an act done by a panch of the Nyaya Panchayat in the due discharge of his judicial duties

Principles of Res Judicata :

The principles of res judicata shall operate in the cases, civil and criminal, decided and adjudicated upon by a Nyaya Panchayat by exercising its powers and functions under the Act. A Nyaya Panchayat is competent court in

* For details see the First Schedule to the Manipur Panchayati Raj Act. The Limitation Act, 1963 at foot-note on page 156 was written through bona fide mistake.

respect of the cases, civil and criminal, specified in the Act. Therefore, a suit heard and finally decided by it under the provisions of the Act can not be reagitated and reopened in the same way in another civil court between the same parties including their privies and legal representatives[88]. Similary, an accused convicted or acquitted by a Nyaya Panchayat in respect of any offence by exercising its powers under the Act can not be tried and convicted for the same offence by another criminal court[89]. It follows that police should stop investigation including the arrest of accused persons in respect of the criminal cases pending for disposal or already disposed of by a Nyaya Panchayat. Similarly, courts of Judicial Magistrates must not entertain any complaint or any application for enquiry in respect of the matters involved in a criminal case pending for disposal by a Nyaya Panchayat.

Functioning of Nyaya Panchayat :

There is no doubt that Nyaya Panchayat has a great role to play in the administration of justice at the grass-root level. It also provides for speedy disposal of the cases—civil and criminal. But the difficulty is that the court is presided over the uneducated villagers It is our experience that the Sarpanch, Up-Sarpanch and Panchas have no knowledge of judicial administration. Nor are they possessed of the skill or experience in the field. Therefore, the result is that the cases—civil and criminal—are frequently, if not always, decided in the ways not laid down

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88. Section 213 of the Act, which says that except as provided in this Chapter, every decree, order or sentence of a Nyaya Panchayat shall be final. See also Section 11 (Res Judicata) of the Civil Procedure, 1908 (Act. V of 1908).
89. See Section 300 of the Code of the Criminal Procedure 1973 ; also Article 20 (2) of the Constitution of India,

in the Manipur Panchayati Raj Act, 1975 and the rules framed thereunder. Thus, there is always the danger of the likelihood of the miscarriage of justice in the Nyaya Panchayat system*. Over and above, nobody shall deny that the Sarpanch, Up-Sarpanch and Panchas are amateurs in their fields. They are responsible officers in our democratic set-up, but without any remuneration. Such state of affairs cannot yield good result in any way. Another defect is that they are the followers of the local MLAs and politicians. Thus, they decide the cases in a political way, and not in judicial manner.

Suggestions for improvement of the Nyaya Panchayat :

For the proper functioning of the Nyaya Panchayats the following measures should be taken up by the Government of Manipur : **First**, the service conditions of the Sarpanch, Up-Sarpanch and Panchas should be settled and improved so that more talented persons may be attracted to the field. **Second**, they should be given proper training as to their powers and functions under the Act. This training should be a must. These days, even the presiding officers of the courts in the north-eastern states are being given training at North-Eastern Judicial Officers Training Institute, Gauhati **Third**, the Nyaya Panchayats should notbe used for political purposes They should be used only to realise the desired democratic ideal—cheap and speedy disposal of petty cases at the grass-root level. Therefore, these bodies should be kept, as far as practicable, from power-politics and political corruption.

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* While discharging my duty as Munsiff/Judicial Magistrate First Class—Imphal East and Jiribam, I came into close contact with the Nyaya Panchayats under the provisions of the Manipur Panchayati Raj Act, 1975.

We may earnestly hope that the Government of Manipur may take the necessary measures for the implementation of the above suggestions in the near future.

Conclusion

The Manipur Panchayayati Raj Act, 1975 follows all India-pattern of Panchayati Raj introduced in 1959. The Act aims at establishing democracy from the grass-root level upto the District level through three-tier system of institutions—Village Panchayats at the village level, Panchayat Samitis at Block level and Zila Parishads at the District Level. The Act will give a sense of involvement to the people of Manipur at the Village Level. It has a humanised concept of the political, social, economic and cultural edifice. It will aslo instil in the minds of the people of Manipur the golden principle of mutual help and self-sacrifice. It will also generate a concept of perfect socio-economic-cum-administrative order wherein, with the full democratic decentralisation of power, we may achieve the objective of making Manipur as one organic whole.

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PANCHAYATI RAJ IN MANIPUR: ITS PROBLEMS & PROSPECTS.

INTRODUCTION :

About 8 percent of the total area of Manipur is valley which is divided into three districts, namely Imphal, Bishenpur and Thoubal. Practically 'Panchayati Raj is being introduced in the rural areas of these districts and in some parts of Senapati Hill District also[1] Thus, by notification No 26/43/77-P dated 15 3 78, published in Manipur Gazette Extra-Ordinary, dated 17-3-78, in exercise of the powers conferred under section 3 of the Act, read with rule 9 of the Manipur Delimitation of Gram Sabhas Rules, 1977, the Governor of Manipur was pleased to establish 108 Gram Sabhas in the six Community Development Blocks in Manipur By notification No 6/3-1/77—PR dated 17-4-78, the then Deputy Commissioner, Manipur Central District*, for holding General Election on Gram Sabhas, called upon all the wards and Gram Sabhas lying within the areas of the Thoubal, Imphal East**, Imphal West I, Imphal West II, Bishenpur and Jiribam Development Blocks to elect Pradhans and members of the Gram Panchayats by the 15th May, 1978 Since then, a tangible progress has been in sight regarding the establishment of 'Panchayat Raj' bodies. Thus. according to the available office records, Manipur has 166 Gram Panchayats, 42 Nyaya Panchayats and 9 Panchayat Samitis.

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1 See Chapter 6, PP. 118-19.

* Now divided into three—Imphal Bishenpur & Thoubal.

** Which has now two C. D. Blocks—Imphal East I (Sawombung) and Imphal East II (at Keirao Bitra).

But 'Panchayati Raj', as yet, hardly achieves any tangible and substantial success in its functioning because,— (a) Manipur had a highly centralised system of administration from her merger with the dominion of India on 15 10-1949 till her attainment of Statehood under the Constitution of India on 21-1-1972 ; b) The All India-Pattern of 'Panchayati Raj' under the Manipur Panchayati Raj Act, 1975 was enforced in Manipur only on 10-1-1978 , prior to that, the U P Panchayat Raj Act 1947 envisaging only one-tier-structure—Gram Sabha—was in force ; and (c) We are poor in social, political and economic consciousness and also poor in the habit of responsibleness And, till to-day, 'Panchayati Raj' in Manipur is a burning problem defying its actual role although it has achieved much success in some States of India[2]

Present Problems About The 'Panchayati Raj' of Manipur :

Enough has been said about the role that 'Panchayati Raj' should play in our democracy[3]. But the Government of Manipur, despite its effort for improving Panchayati Raj', has been facing severe criticism from the local presses of Manipur as well as from the 'Panchayati Raj' bodies themselves According to the available office records, uptill now Manipur has 166 Gram Panchayat 42 Nyaya Panchayats and 9 Panchayat Samitis But no Zila Parishad is as yet established

According to the 'Linmei Thanbi'[4], a Manipur local daily newspaper the above "Panchayati Raj" bodies have been in most cases, without buildings of their own Over and above, their members enjoy no monthly enolumements

2. See Chapter 1, P. 41.
3. See Introduction & Chapter I.
4. For detail vide its issue Dated 18th July 1988.

except some sitting allowances—Rs. 180/- in the case of a Pradhan and Rs. 120/- in the case of a member. Thus, the members are compelled to misuse the grants-in-aid sanctioned and issued to their respective bodies by the Government for public welfare schemes. It is also pointed out that at present a Panchayat building is being constructed at a cost of Rs. 25,300/- out of which Rs. 13,300/- is public contribution. Thus, the poor villagers are compelled to bear heavy expenditure.

The "Ihou"[5], a Manipur local daily newspaper published by the Manipur People's Party also carries this report : On 29-10-88 a team of working journalists of Manipur visits and interviews the Pradhan of Wangoo Laipham Gram Panchayat of Sugnu Constituency regarding the development. works and schemes of the local area. Thereat, the Pradhan informs that the Government bears only 50 per cent of the total expenditure spent on the construction of the main road from Wangoo Laipham market to Ithai Barrage and the remaining 50 per cent of the said expenditure is from public contribution. He also informs that the Government remains silent till date over the request of his Gram Panchayat for necessary action against the encroachment by the Forest Department of the village land of about 365 hectares which may be suitably used for sericulture, sugarcane-cultivation and tea-cultivation. He further informs that the Government never looks after the schools and the knitting and tailoring centres opened within the jurisdiction of his Gram Panchayat.

Over and above, all Manipur Panchayats called "Manipur Bandh" on 29-7-88 demanding more administrative and financial powers and functions.

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5. For details vide its issue Dated 1st November, 1988.

Till the 7th Five Year Plan (1985-90) "Panchayati Raj" in Manipur has not been treated as a separate sector on which there can be a separate financial outlay[6]. But "Panchayati Raj" in Manipur has been a part and parcel of Community Development Programme and Rural Development under the portfolios of Ministers[7].

Defects in the functioning of Panchayati Raj in Manipur :

First, the villagers have little interest in Panchayati Raj. They have no knowlege about Panchayati Raj and its role in our parliamentary democracy and in our economic planning and process. **Second,** the lack of will, determination, dedication and missionary zeal amongst the members of the Panchayats, Panchayat Samitis etc. to take up various development activities is the other reason for little success of Panchayati Raj in Manipur. **Third,** there is a general feeling amongst the villagers that since adequate honorarium is not paid to the members they sometimes adopt practices which lead to misappropriation of the funds. **Fourth,** there is no-operation between the popular and bureaucratic elements. The bureaucrats and officials in most cases mislead and hoodwink the elected members. **Fifth,** the system appears to have contributed more to the deepening of economic disparities than to have levelled them as the benefits of the development appeared to have accrued to the locally dominant, who are also in most of the

6. See the Legis News Vol. III No. 2 August 15, 1988.
7. See 84-85 Administration Report Govt, of Manipur PP. 11 ; under the Chief Ministership of R.K. Jaichandra Singh, Md. Mahamuddin Shah and K. Bira Singh are respectively Cabinet Minister and Minister of State in charge of "Panchayati Raj" see The Prajatanta Sunday Nov. 13, 1988.

cases the economically and socially dominant. **Sixth**, the Panchayati Raj institutions in Manipur have not been able to perform well their duties for want of proper fund. Their functions are wide and enormous : but the funds at their disposal are too meagre. **Last**, these institutions have not functioned satisfactorily on political grounds also. We can not deny that these institut ons are still functioning as administrative agents of the State Government. Thus, no Pradhan/Up-Pradhan of a Gram Panchayat can long remain in office/power without the support of the ruling political party. Similar is the case of the Pramukh/Up-Pramukh of a Panchayat Samiti. Frequently, if not always, the State Government interferes in the functioning of these institutions in one way or another on political grounds.

Remedial measures for the above defects :

First, the villagers should be given proper education on Panchayati Raj and its role in our parliamentary democracy and in our economic planning and process. In this respect mere formal education will not do. The adult education programme has to be strengthened and multiplied in the State. By making rural people literate the quality of their life can be improved by making general awareness among them and to develop realisation of their rights. The non formal education should likewise be adequately promoted with informal and basic education so that the rural people can liberate themselves from exploitation and improve their socio-economic condition. Rural women should also be encourged to participase in this Adult Education Programme*. **Second**, the members of the Panchayati Raj instritutions should be given proper training as to their powers and functions. They must be made aware of the role to be played by their institutions in the economic planning and process of the State and in

* See PP. 110- 1 supra.

the implementation of the development-schemes. **Third**, the members should be given adequate remunerations and allowances for their works. Their remunerations and allowances should be defined by the Act itself. They should not be subject to the will of the ruling political party. **Fourth**, the concerned Minister should discharge his functions in a responsible manner ; he must respect the interests of the villagers ; only then, the bureaucrats and officials will well help and advise the elected members in the right way and there will be co-operation between the popular and bureaucratic elements. If the concerned Minister discharges his functions in the above way, the socially and economically weak sections of the State will be benefited by the system. **Fifth**, financial conditions of Panchayati Raj institutions should also be improved. They should have at their disposal funds adequate to their powers and functions. Adequate grants-in-aid should also be given to them for the programmes and projects in their hands, **Last**, the Panchayati Raj institutions should be allowed to function as freely as possible unless their functioning leads to social and economic injustice. In no case on political grounds their functioning should be disturbed and hampered. Thus, we may hope that the Government of Manipur will implement the above remedial measures in the near future.

What the Government of Manipur is doing and thinking :

But following the modern Indian political trends[8], the Chief Minister of Manipur, R K Jaichandra Singh, has

8. See the Sentinel Nov. 22, 1988, P. 3; Nov. 24, 1988, P. 1, Jan. 28, 1989, P. 5; The Telegraph Nov. 5, 1988, P. 1; The Times of India Jan. 22, 1989, P. 7; Jan. 25, 1989, P. 3; Jan. 28, 1989, P. 5; Feb. 7, 1989, P. 1; see also Chapter 5, P. 108.

assured that the Government of Manipur will improve the "Panchayati Raj" working in Manipur. The Manipur News carries this report[9] : "The Chief Minister Mr. R.K. Jaichandra Singh has to-day inaugurated the newly constructed building of the Imphal East II C.D. Block at Keirao Bitra. The buildings of the block which include staff quarter hall and godown were constructed at a cost of Rs. 16,23,117 and fencing and gate costed about Rs. 73,000. Construction works were taken up by the Manipur Police Housing Corporation since May last year.

Speaking on the occasion, the Chief Minister said that there are plans to construct C.D Block buildings at Moirang, Kakching and Samulamla soon. He said two blocks will be completed within the 7th plan period. He further stated that to improve the workings of the "Panchayati Raj" in Manipur the government will take up discussion soon. The details of the discussion will be tabled at the N.E. Panchayat Samiti Conference being held at Calcutta He expressed the hope that improvement in the working of the Panchayati will case the development of the villages. Presiding over the function, the Development Minister, Md. Mahamuddin Shah advised the filed staffs of the block to work closely with the villagers MLAs, Mr. L Amujao Singh and Md. Abdul Matalip also attended the function".

Ealier in his Address to the Manipur Legislative Assembly on March 16,1988[10] the Governor of Manipur, General K V. Krishna Rao (Retd) said : " .... It is proposed to decentralise planning and delegate enhanced authority to field offices for speedier execution of schemes. To begin with, two districts, one each in Valley and Hill

9. See its isssue dated Feb. 5, 1989.

10. The Legis News Vol III No. 2 August 15,1988, PP. 763-64.

areas, have been selected for introducing decentralised planning".

The New State Agriculture Policy of Manipur shall also necessitate the strengthening of the "Panchayati Raj" bodies at all levels—village Panchayat, Panchayat Samiti and Zila Parishad. The concerned Minister has realised this fact and assured that the necessary steps will be taken[11].

Panchayati Raj Sammelan of the Northeastern States : What the Chief Minister of Manipur R K Jaichandra Singh expressed.

On 3rd April, 1989 the Prime Minister Rajiv Gandhi inaugurated the first ever "Panchayati Raj Sammelan" of the Eastern and Northeastern States at the Salt Lake Stadium, Calcutta. Speaking at the function, Prime Minister called for greater involvement of tribals in the 'Panchayati Raj" system so as to strengthen democracy in the country. He further said that while the first two tiers of democracy—the Parliament and the State Legislatures—were strong, "Panchayati Raj' bodies have not been so at the lower levels But the Chief Ministers of five Northeastern States including Manipur strongly opposed the imposition of the panchayat system prevalent in other parts of the country on the Northeastern region and called for a separate norm for each They also opposed uniformity in form of self-government in Northern States and appealed for continuance of traditional bodies like village councils and village authorities[12].

11. For details see Chapter 5, P. 112-13.

12. For details see the Sentinel April 4, 1989 P. I.

CMs meet on Panchayati Raj : What the Chief Minister of Manipur R.K. Jaichandra Singh expressed.

The Chief Minister of Manipur Mr R.K. Jaichandra Singh participated in the CMs' meet on "Panchayati Raj" on May 5, 1989 called and organised by the Prime Minister of India Mr. Rajiv Gandhi[13]. About 'Panchayati Raj" Sri Jaichandra Singh said, the Government of India stands for amending Article 40 which is a part of Directive Principles. He said, amendment of the Constitution will enable Governement to hold regular election. Counteracting non Congress (I) Governments' observation that election can be held if there is political will depends on the individual. If the Article 40 is amended there will be regular elections to Village Authorities and District Councils. He told Sri Rajiv Gandhi during the conference in New Delhi that the people of the country gave him a big mandate in 1984 elections and he could utilise it without awaiting another mandate in passing the Panchayat bill. He also told the press that the 1956 Village Authority Act is outmoded. He also said that the Government is considering to provide more power to the District Councils. After presenting the main features of 'Panchayat Raj" system and its problems and prospects in different States of India the Chief Minister Sri R.K. Jaichandra Singh discussed the need of constitutional sanction in the form of amendment. He pointed out that even though the Government of West Bengal deserves to be appreciated in many respects it has its own defects as well. In the case of Karnataka, there is excessive centralisation in the name of decentralisation[14].

13. Manipur News May 6, 1989 P. 1.
14. Manipur Mail May 9, 1989 P. 1.

Conclusion

The success of any institution largely depends on those who run it. "Panchayati Raj" in Manipur is no exception to this rule. Of course, its success directly lies with the Government of Manipur and indirectly with her people. As we all know, "Panchayati Raj" invariably requires decentralisation of administrative and financial powers. In other words, the existing "Panchayati Raj" bodies should be clothed with such administrative and financial powers as may suit their local conditions and problems and they should be allowed to function as self-governing bodies in our parliamentary democracy. Luckily, the Government of Manipur has now expressed that these bodies will be strengthened and that they will be allowed to actively participate in the economic planning and process of our State. Further, after a detailed discussion at the AICC (I) session held on May 10 1989 at the Sri Fort auditorium at New Delhi, the Prime Minister Sri Rajiv Gandhi has introduced the 64th Constitutional Amendment Bill in Parliament on May 15, 1989 in order to implement the above assurances in respect of "Panchayati Raj" and decentralised planning The salient features of the Bill are these :—

64th Constitutional Amendment Bill and "Panchayati Raj" institutions.

Elections : State Government will be constitutionally obliged to hold elections to Panchayati Raj institutions. All the three tiers of Panchayati institutions—village panchayats, intermediate and district governments—will have a fixed term of five years. State Governments will have the power to dissolve district governments but will be obliged to hold fresh byelections within six months. **Reservations :** Most state legislations on Panchayats do not provide for reservation in Panchayati Raj institutions.

The amendment will compel states to reserve seats for weaker sections and for women. **Powers :** Panchayati Raj institutions—chiefly the district government—will be responsible for drawing up and implementing developmental projects. State Governments will have to devolve many subjects on the district institution. **Finances :** State Government will have to allocate funds to the district government in accordance with fixed and objective criteria. The Bill proposes that states should have their own finanance commissions, which will fix norms for devolution of finances. The Bill also suggests that fund transfers be tied to specific functions so that the district government and panchayats are made accountable. **Special Areas :** The provisions of the Bill will not be applicale to areas of the north-eastern states where tribal district councils exist*. But, on the other hand, these days more and more political powers are assumed by the Government. Then, the question is—Will "Panchayati Raj" in Manipur be able to achieve its goal when there is such a centripetal political power. Because public administration is ultimately real politics**.

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* See the text of the Constitution (64th Amendment) Bill, 1989.

** See also Chapter 12, infra.

THE MANIPUR MUNICIPALITIES ACT, 1976 : A CRITICAL STUDY

INTRODUCTION :

Earlier the Assam Municipal Act, 1956 was in force in Manipur (then Union Territory) vide Govt. of India, Ministry of Home Affairs, Notification No. F. 5/160-Judl. II, dated 9-2-1960, published in the Gazette of India, Extraordinary, No II Part II, Section 3 (i), dated 9-2-1960. Thus, in 1956 Imphal Municipal Board was established and constituted under the Assam Municipal Act, 1956. The Board discharged the powers and functions under the said Act for the local administration of Imphal municipal area. The Assam Municipal Act, 1956 had been in force in Manipur till 6-4-1976.

Constitution of Municipalities in Manipur :

The State Government may by notification in the official Gazette declare an area to be a municipality. It also determines the local limits of the area declared to be a municipality. But such municipality excludes any military cantonment or part thereof[1].

Municipal Board[2].

Each Municipality has a Municipal Board bearing the name of, and having jurisdiction over, the Municipality. The Board is a body corporate having a perpetual succession and a common seal. It has the power to hold, acquire and dispose of property. It can also sue and be sued in its name. Such a Board shall consist of not less than ten but not more than thirty Commissioners as fixed by the State Government Of the total number of

1. See Chapter II of the Manipur Municipalities Act, 1976.
2. See Chapter III of the Act.

Commissioners, the State Government may also nominate not more than two members who are otherwise qualified to be elected to be the Commissioners of such Board to represent (a persons having sufficient knowledge, or practical experience in science, art, literature, social service etc. ; (b) women ; (c) Scheduled Castes, Scheduled Tribes and any other Community if they are not adequately represented*. The commissioners are elected from the wards of the municipality by the respective local voters who are entitled to vote at the election of the Manipur Legislative Assembly. If a ward fails to elect its commissioner, the State Government shall appoint a person as its commissioner.

No person shall be eligible for election as commissioner if he (a) is not registered in the electeral roll for a ward ; (b) is of unsound mind as adjudged by a competent court ; (c) is an undischarged insolvent ; (d) has been, during the four years immediately preceding the election, convicted by a criminal court of an offence involving moral turpitude or of an offence under Chapter IX-A of the Indian Penal Code, or has been under bond for good behaviour as ordered by a criminal court under the Code of Criminal Procedure, unless such conviction or order has been set aside or such offences have been pardoned by a competent authority ; (e) a salaried Government employee ; (f) is a defaulter in payment of any dues to the municipality for more than three months on the date of submission of nomination paper ; (g) is not an adult ordinarily resident within the ward from which he is seeking election.

The term of a municipal Board is four years commencing from the date of first meeting held after its constitution. But the State Government may extend the term of office for a period not exceeding two years in the aggreg te

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* Vide The Manipur Municipalities (Fourth Amendment) Act, 1982, S 2 , w.e.f. 24-4-1982.

The State Government may also appoint a Board for a period not exceeding two years after the expiry of the term of the Board

A Municipal Board has its own President and Vice-President elected from amongst its commissioners. If the Board fails to elect the President or Vice-President, the State Government shall appoint one as the President or Vice-President from amongst the commissioners of the Board But the tenure of so appointed President or Vice-President shall not exeed one year If the offices of both President and Vice-President, the State Government shall appoint one from amongst the Commissioners as President. The President may tender his resignation by writing to the Vice-President The Vice-President and a commissioner may also resign by writing to the President

The State Government may also remove any elected commissioner on ground of mis-conduct in the discharge of his duties if the removal is recommended by resolution of the Board by the majority of the total number of the commissioners The State Government may also remove a commissioner on any of these grounds: (a) if he ceases to reside within his municipality for one year; (b) if he refuses to act or becomes incapable of acting as commissioner or if he has violated his oath or affirmation of allegiance; (c) if he, without showing cause absents himself from four consecutive meetings of the Board; (d) if he, being a legal practitioner, appears against the Board before any court in any case by or against the Board; (e) if he becomes subject to any of the disabilities mentioned in cleuses (b) to (f) above; (f) if he, without the proper permission of the State Government, deals directly or indirectly, in the contract or employment with, or by or on behalf, of the Board; (g) if he defaults in payment of any dues to the Municipality for more than six months after a demand-notice thereof has been served on him.

The State Government may remove the President or the Vice-President on any of these grounds, such as, failure to discharge his duty ; disqualifications as in the case of a commissioner ; unauthorised dealing in the contract or employment with, by or on behalf of the Board, misconduct in the discharge of his duty, misuse of fund and property of the Board, abuse of his official powers, abandonment of ordinary residence within the Municipal area, his appearnce as a legal practitioner before any court in any case by or against the Board if he be a legal practitioner, etc. The State Government can also remove him from office as per a resolution passed by a majority of the total number of commissioners for his removol

The President, in his absence, the Vice-President shall preside over the meetings of the Board. The President has his own powers and functions. In his absence, the Vice-President shall exercise those powers and functions. In his absence, the Vice-President shall exercise those powers and functions.

Functions of a Board.

The functions of a Board fall under these categories—obligatory, special and discretionary[3]. The obligatory functions are these :

(a) lighting, watering and cleaning puble roads and places ; (b) removing filth, rubbish, night-soil, odour etc. from privies, latrines, urinals, cess-pools etc. (c) protective measures when fire occurs ; (d) removing obstructions and projections in public roads or places and in spaces not being private property ; (e) securing or removing dangerous buildings or places ; (f) maintenance and regulation of cremation grounds for the bodies of dead human bodies and dead animals ; (g) maintenance and regulation of

3. See Sections 33, 34 and 36.

public roads, municipal boundaries, tanks, wells, markets, slaughter-houses, drainage-works etc ; (h) construction of public latrines, privies etc ; (i) supply of pure water for health and sanitation ; (j) naming streets and numbering house ; (k) registration of births and deaths ; (l) suitable accommodation for calves, cows, buffaloes, etc. within the municipality ; (m) publication and printing of the annual administrative report of the municipality ; (n) arrangement for preparation of compost manure from nightsoil and rubbish ; (o) establishment and maintenance of cattle pound, etc.

Special functions are these : (a) providing medical aid and accommodation for the sick in times of dangerous disease ; (b) giving relief and establishing and maintaining relief works in times of famine or scarcity etc.

Discretionary functions are the following :

(a) laying out new public roads, plans etc. (b) construction and maintenance of public parks, gardens, libraries, dharmashalas, rest-houses etc ; (c) construction and maintenance of sanitary houses for the habitation of the poor ; granting loans for the purpose ; (d) providing accommodation for the employees of the Board ; (e) planting and maintaining roadside trees ; (f) securing suitable place for offensive trades ; (g) supplying, constructing and maintaining receptacles, fitting pipes and other applicances for the use of private premises ; (h) the public health and infant welfare ; (i) contribution towards any public fund raised for relief of human suffering within the municipality; (j) any public reception, ceremony, entertainment, exhibition etc. ; (k) organisation and maintenance of shops, and stalls for the sale of necessaries of life ; (l) holding fairs and exhibitions ; (m) supply of milk ; (n) establishing labour welfare centres for its employees ; (o) maintenance

of ambulance service ; (p) establishing and maintaining public dispensaries etc (q) providing facilities for anti-rabic treatment etc. (r) housing and maintaning destiute orphans, cripples etc. (s) establishing rescue homes ; (t) any matter likely to promote education, public health, safety, economic conditions of the residents within the municipality, & C.

Power For Taxation[4].

With the previous approval of State Government, a Municipal Board may, within its local limits, impose any of the following taxes, fees, tolls etc. :

(a) a tax on holdings ; (b) a tax on all or any of the vehicles except those covered by the Motor Vehicles Act : (c) an octroi on goods brought within the municipality for consumption, sale, use etc. ; (d) a latrine-tax ; (e) a scavenging-tax ; (f) a lighting-tax where the lighting is arranged by the municipality agency ; (g) a drainage tax where the drainage is introduced by the Board : (h) a tax on deeds of transfer of immovable property ; (i) a tax on advertisements except non-commercial advertisements ; (j) a water tax which is supplied by the Board ; (k) market fees on persons exposing goods for sale ; (l) a betterment charge on properties ; (m) any other tax, toll, rate, charge or fee

But a Municipal Board shall have no power to impose a tax which the State Legislature has no power to impose under the constitution of India.

Other powers of the Board[5].

A Municipal Board has also the following powers within the limits of its local jurisdiction :

(a) to lay out or make new roads ; to widen,, open, improve, divert any public road ; (b) to repair private

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4 Section 70

5. See Sections 106, 107, 108, 111, 119, 132, 133, 134, 135, 139, 141, 143, 150, 151, 153, 161, 162, 167, 173, 174 etc.

roads, drains etc. in the public interest ; (c) to prohibit the use of public roads by a class of animals, carts or vehicles etc. ; (d) to remove obstruction, encroachments, and projection in or on public road ; (e) to grant sanction for erection of buildings ; (f) to require the owners or occupiers of the municipal lands to clear noxious vegetation ; (g) to require the owners or occupiers of the municipal lands to improve bad drainage and to cleanse or drain unwholesome tanks and permises ; (h) to require the the owners or occupiers of the wells, tanks, excavations etc. which are dangerous to the passerby for want of suffcient repair, to secure the same ; (i) to demolish unauthorised drains leading into the public places ; (j) to require the owner of a land to drain the same. (k) to arrange establishment for removal of sewage, offensive matter, rubbish etc. ; (l) to supply drinking water ; (m) to order removal of latrines, urinal, cesspool etc. near any source of water-supply ; (n) to order removal of unauthrised construction or tree over public drain or water works ; (o) to sanction, out of its fund, expenditure on maintaining burial and burning places ; (p) to issue licences to the butchers ; (q) to regulate offensive trades ; (r) to issue licences for the cinemas, dramatic performances, circuses, etc. (s) to close market, tea-stall etc. for preventing the spread of any contagious disease ; (t) to provide places, such as, park, play-ground, open spaces etc., for recreation; (u) to discharge functions, in respect of the establishment, maintenance and management of pounds, under Section 31 of the Cattle Trespass Act, 1871.

Municipal Fund[6].

A Municicial Board has its own fund called "Municipal fund". The fund is vested in the Board. It is made up of the following sums :

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6. Sections 64-69.

(a) all sums received by or on behalf af the Board ; (b) the balance, if any, standing at the credit of the Board ; (c) all proceeds of the disposal of property by or on behalf of the Board ; (d) all rents accruing from the municipal property ; (e) all moneys raised by municipal tax ; (f) all municipal fees ; (g) all moneys realised by the Board by way of compensation or for compounding offences ; (h) all moneys received by or on behalf of the board from the State Governement, private individuals by way of grants, contributions, gifts etc ; (i) all interests and profits arising from any investment of or from any transaction in connection with any money belonging to the Board ;

A Board has also the power to borrow money from the State Government, any financial institution for the due discharge of its powers and functions. The fund shall be applied for these purposes.

A Board shall also prepare its budget for the ensuing year two months before the close of the financial year, and shall pass and submit the same to the State Government for approval. It shall maintain in the prescribed form its accounts. An official deputed by the State Government shall audit the accounts soon after the end of each financial year.

Bye-Law-Making Power of a Board[7].

A Municipal Board has the power to frame bye-laws for the following matters :

(a) any matter in respect of which power to frame bye-laws is conferred on the Board ; (b) traffic regulation ; (c) prescribing the width of the wheel-tyres of carts, carriage etc, kept and used within the municipality ; (d) regarding notice to be given to the Board for the erection, re-erection, material alteration of a building ;

7. Sections 204-205,

(e) requiring that such a notice shall be accompanied with a site plan of the proposed erection, re-erection, alteration of the building and other connected materials ; (f) regarding the nature of such erection, re-erection or material alteration ; (g) preventing the erection of buildings without adequate laying-out ; (h) regarding drainage ; nuisance ; washing places for the professional washermen ; prevention of mosquito-breeding ; (i) regarding cutting of trees and bamboos within the municipality ; (j) regarding disposal of sewage, offensive matters etc. ; (k) regarding inspection and regulation of markets ; price list etc.; (l) regarding the houses and manner of transport within the municipality ; (m) fixing places for sale of specified food or drink ; (n) regarding stalling or herding of horses, cattle, sheep, goats, ducks, fowls, etc. ; (o) regarding the inspection of milch cattle : prevention of contagious diseases amongst them ; (p) regarding the inspection and proper regulation of encamping grounds, ponds, serais or dharmasalas etc. · (q) preventing nuisances affecting the public health, safety etc ; (r) controlling and regulating the use and management of burial and burning grounds ; (s) providing for the holding of fairs, industrial exhibitions etc ; (f) fixing the conditions under which the licences are to be issued, rovoked, suspended ; (u) preventing and removing any encroachments on any municipal land ; (v) giving effect to the objects and purposes of the Act ; imposing on the offenders against any provision of the bye-laws reasonable penalty not exceeding Rs. 50/- for each offence and Rs. 20/- each day for a continuing offence; (w) distribution of works among the officers and members of the staff of the Board.

A Municipality in the hill area has additional powers to frame bye-laws in addition to the above bye-laws, for the purpose of regulating or prohibiting the cutting or destroying of trees, shrubs or the making of excavations or removal of oil or quarrying etc.

The above bye-laws should be confirmed by the State Government, otherwise they shall not be valid.

Control Over Municipal Board[8].

The Deputy Commissioner or any officer empowered by the State Government in that behalf may at any time inspect any immovable property in the occupation of the Board, any work in progress or any institution under the control and administration of the Board, and any document or book in its possession.

The Deputy Commissioner or the State Government may by order in writing suspend the execution of any resolution or order of the Board or prohibit the doing of any act by it if the resolution, order or act is contrary to the public interest, or in excess of the powers of the Board, or likely to cause serious breach of peace or annoyance or injury to the public.

The State Government may, by order in writing call upon the Board to perform any duty imposed on it within a stipulated period if the Board has made default in performing that duty. If such duty is not performed within such period, the State Government may pass such orders as it thinks fit including the orders for appointment of a person to perform the duty.

In any case of emergency, the Deputy Commissioner in consultation with a technical adviser immediately available may execute in the public interest any work which the Board has the power to execute.

The State Government may supersede or suspend for a period not exceeding one year at a time, or dissolve the Board on any of these grounds: (a) incompetence or persistent default in the performance of its duties; (b) excess or abuse of its powers, But the Board must be

8. See Sections 197-201.

given an opportunity to submit a representation before any order for supersession, suspension or dissolution of the Board is passed. During the period of such suspension or dissolution, a person appointed by the State Government shall exercise the powers and functions of the Board. In consequence, all the commissioners of the Board shall vacate their offices : the powers and functions of the Board shall be exercised by a person appointed by the State Government in that behalf and all the property vested in the Board shall stand vested in the State Government On the expiry of the period of suspension, the State Government may extend the period of suspension for another term not exceeding one year or reconstitute the Board by a fresh general election.

Standing Committee[9].

These committees are appointed by the Municipal Board at a meeting held for the purpose. They have to assist Board in the discharge of any specific duties devolved upon it. The Committee shall consist of Commissioners and when necessary, of such resident with special qualification as may be necessary for the purpose. No commissioner shall be member of more than one committee. The President/Vice-President of the Board, if he is a member of any committee, shall be ex-officio chairman thereof. All the proceedings of any such committee shall be subject to confirmation by the Board at a meeting.

Powers and Functions of the President[10].

We have already discussed how the President of a Municipal Board is elected and his tenure of office. He has the following powers and functions to discharge :

9. Section 53.
10. Sections 30 & 31.

(a to preside over all meetings of the Board and to regulate the conduct of business as per the relevant bye-laws; (b) to watch over the financial and executive administration of the Board and perform such executive functions as are allotted to him; (c) to exercise supervision and control over acts and duties of all officers and employees of the Board; (d) to direct, in case of emergency, the execution or stoppage of any work or doing of any act which requires sanction of the Board, for the safety or service of the public.

The Vice-President, during the absence of the President shall exercise the above powers and functions of the President. They are given such remuneration or such allowance as sanctioned by the State Government out of the municipal fund,

SMALL TOWNS

Constitution[11].

The State Government has the power to declare a local area to be a "smal town" for improved arrangements. Areas comprised in a municipality or cantonment shall be excluded from a "small town". The State Government shall fix the local limits of such a town.

Each small town has a committee called "Town Committee". The Committee shall consist of such number of members as may be prescribed by the State Government. The members for the first time shall be appointed by the State Government for a term of two years; and for the subsequent terms they shall be elected in an election to be held before the expiry of the period of two years. The State Government may nominate not more than two members to represent (a) persons having sufficient knowledge

11, Sections 219 & 220.

or practical experience in science, art, literature, social science etc. ; (b) women and (c) Scheduled Caste, Scheduled Tribe and any other community if they are not adequataly represented in the Small Town Committee*. On the expiry of the Town Committee the State Government may appoint a Town Committee for a term not exceeding one year.

There shall be a President and a Vice-President for each town committee elected from amongst its members. If the members of the committee fail to elect the President or the Vice-President, the State Government shall appoint any person whether a member of the committee or not to be its President or Vice-President as the case may be. The State Government shall fix the term of office of a member, the President and the Vice-President of town Committee.

Powers of the State Government[12].

The State Government has the power to :

(a) impose in any small town any tax which could have been imposed therein if such area were a municipality ; (b) apply to the small town for the assessment and recovery of the above tax any provisions of this Act, i.e., the Manipur Municipalities Act, 1976 ; (c) arrange for the proper use of the proceeds of the above tax and other funds allotted to the Town Committee and for maintaining proper accounts ; and (d) extend to a small town any provision of this Act, i.e , the Manipur Municipalies Act ;

In conclusion we can say that town committees are the variants of the Municipal Boards.

* Vide The Manipur Municipalities (Fourth Amendment) Act, 1982, S. 3., w.e.f. 24-4-82.

12. Section 221.

MUNICIPALITIES AND SMALL TOWNS IN MANIPUR

The district-wise Municipalities and Small Towns in Manipur are hereunder given. They exercise their powers and functions under the Manipur Municipalities Act, 1976[1].

District-Wise Municipalities in Manipur*

Sl. No.	Name of District		Municipalities
1	Imphal District	(i)	Imphal Municipality
		(ii)	Jiribam ,,
2.	Thoubal District	(iii)	Thoubal ,,
		(iv)	Kakching ,,
3.	Bishenpur District	(v)	Bishenpur ,,
		(vi)	Moirang ,,
		(vii)	Nambol ,,
4.	Churachandpur		No Municipality[2]
5.	Chandel		—do—
6	Senapati		—do—
7.	Ukhrul		—do—
8	Tamenglong		—do—

1 For details see Chapter 8 supra.

* Source : Director of Local Self-Govt. & Urban Development, Govt. of Manipur.

2. Earlier, Churachandpur had a Municipality which was established and functioning under the Manipur Municipalities Act, 1976. But the Municipality ceased to exist and operate w.e.f. 1-3-1988 as per the Notification issued on 11-2-1988 by the Secretary (MAHUD) to Govt. of Manipur. The Notification said that the Governor of Manipur in exercise of the powers

Contd.

District-Wise Small Towns in Manipur*

Sl. No.	Name of District	Small Towns
1.	Imphal	1. Lamsang
		2. Samurou
		3. Wangoi
		4. Thongkhong Laxmi Bazar
		5. Lamlai
		6. Mayang Imphal
		7. Andro
		8. Sekmai
		9. Lilong (Imphal West)
2.	Thoubal	10. Heirok
		11. Lilong (Thoubal)
		12. Sugnu
		13. Wangjing
		14. Yairipok
		15. Sikhong Sekmai
		16. Kakching Khunou
		17. Waikhong (But its Committee is not yet constituted).
3.	Bishenpur	18 Kumbi
		19. Ningthoukhong

conferred on him under sub-section (4) of Section 3 of the Manipur Municipalities Act, 1976, was pleased to withdraw the whole area comprising Churachandpur Municipality from the operation of the Manipur Municipalities Act, 1976 w.e.f. 1-3-1988. All the assets and liablities of the Churachandpur Municipal Board stood transferred to the Churachandpur District Council w.e.f. 1-3-1988. See the Manipur Mail Tuesday 19 July, 1988.

Source: Director of Local Self-Govt, & Urban Development, Govt, of Manipur.

	20. Kwakta
	21. Oinam
4. Senapati	22. Kangpokpi
	23. Karong Senapati
	24. Mao
	25. Tadubi
5. Ukhrul	26. Ukhrul
6. Tamenglong	27. Tamenglong
7. Churachandpur	28. Singhat
8. Chandel	29. Chandel
	30. Moreh

Their Problems & Prospects

PROBLEMS : We can point out the following drawbacks in the functioning of the Municipalities and Small Towns in Manipur. **First**, these bodies are facing financial difficulty. Their functions are wide and enormous : but the funds at their disposal are too meagre to meet them. Over and above, the main source of their income is the grant-in-aid issued and sanctioned by the State Government from time to time. No margin money for development-work is left after meeting their respective staff-maintenance expenditure **Second**, the elected members of these bodies are not given adequate pay and allowance. Hence, they can not well attend to their functions as they adopt other works for their livelihood. This also leads them to the misuse and misapplication of the funds of their respective bodies. **Third**, these bodies also face political interference. The State Government interferes, very frequently if not always, in their functioning on political grounds. No President/Vice-President of a Municipal Board/Small Town Committee can never long remain in his office without the support of the ruling political party. **Fourth**, a Municipal Board/Small Town Committee is very frequently dissolved on political ground by the State Government ; its election/by-election is either postponed or neglected, Very

frequently such a body is also superseded/suspended by the State Government. Fifth, the elected members of these bodies are not given adequate training as to their powers and functions. They enjoy their membership as mere amateurship.

PROSPECTS : But at the bold and encouraging initiative of our Prime Minister Sri Rajiv Gandhi, these bodies will have a better future. As in "Panchayati Raj" system so also in urban system he is going to introduce many a change including Constitutional sanction for the better condition of the urban bodies. He has so assured at his inanguration of the four-day seminar of the municipal officers on June 5, 1989 at New Delhi. The seminar was the first step towards the proposed goal[1] Union Urban Development Minister, Mrs. Mohsina Kidwai at her inauguration of a three-day "nagarpalika sammelan of elected representatives of the eastern region at the Jawaharlal indoor stadium at Cuttack on June 18, 1989, stressed the need for democratic decentralisation of power to the people giving adequate functions and authority to municipal bodies[2]. The Chief Minister of Manipur Sri R.K. Jaichandra Singh has also assured, at the meeting of the Municipal Boards held at Old Secretariat, Imphal on June 13,1989, that the Municipal Boards in Manipur will be given large funds for devolpment-works[3].

1. See The Times of India June 7, 1989 P. 15.
2. ibid. June, 20, 1989 ; the Sentinel June 19, 1989.
3. See The Huiyen Lanpao, June 14, 1989, P. I.

On August 8, 1989 the Prime Minister Mr Rajiv Gandhi introduced in the Lok Sabha the Nagarpalika Bill (Constitution 65th Amendment Bill, 1989). In a fiery 50-minute speech[1] the Prime Minister summed up the measure and said that the Bill supplemented the Panchayati Raj Bill (Constitution 64th Amendment Bill, 1989)* introduced, also by himself, in May. The main provisions of the Bill are as follows[2]—

1. There will be three categories of Nagarpalikas—(a) Nagar Panchayats for areas in transition from rural to urban with population between 10,000 and 20,000. But the Governor is empowered to declare the existing town committees, notified area committees with population of less than 10,000 as Nagar-Panchayats ; (b) Municipal Councils for urban areas with a population between 20,000 and 30,000 ; (c) Municipal corporation for urban areas with a population exceeding 3,00,000, However, the Governor is empowered to declare the existing corporations with a population of less then 3,00,000 as Municipal corporations.

2. Constitution of wards committees in Nagarpalikas with a population of more than 1,00,000 and, in the territorial areas of municipal corporations, of zonal committees at an intermediate level between the wards committees and the municipal corporation.

3 Seats in Nagarpalikas and wards committees to be filled by direct election and for zonal committees to be constituted by the chairpersons of the ward committees comprised within the territorial area of the zonal committees. However, chairpersons of wards committees shall be

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1. For Prime Minister's speech see the Times of India Tuesday August 8, 1989 PP. 1 & 11.

* See PP. 172 & 173 supra.

2. See the Times of India August 6, 1989 P. 9,

represented in municipal councils and chairpersons of zonal committees shall be represented in municipal corporations.

4. Reservations in Nagarpalikas and ward committees would be made to ensure due representation of the Scheduled castes, the Scheduled Tribes and women.

5. Ensure a fixed tenure of five years for Nagarpalikas including the Nagar Panchayats and ward committees. However, if a Nagarpalika or a ward committee is dissolved before the expiry of its term, provision is made for the conduct of elections within a period of six months of its dissolution to reconstitute the body for the rest of the term.

6. Provision for the devolution by the State Legislatures of powers and responsibilities upon the Nagarpalikas, ward committees and zonal committees with respect to the preparation of plans for economic development and social justice and for implementation of development schemes.

7. Provisions for the consititution of a committee at district level for harmonising and consolidating the plans of Panchayats and Nagarpalikas in the district and preparing a draft development plan for the district as a whole.

8. Provision for filling of seats in the committee at the district level by election from and among the members of the panchayat at the district level and the Nagarpalikas in proportion to the ratio of population covered by them respectively.

9. Provision for constituting a committee for metropolitan areas for preparing, in association with other agencies concerned, a draft development plan for the metropolitan areas as a whole.

10. Provision for sound finance of the Nagarpalikas by securing authorisation from State Legislatures for grants-in-aid to the Nagarpalikas from the Consolidated Fund of the State as also assignment to, or appropriation by, Nagarpalikas of the revenues of designated taxes, duties, tolls, and fees.

11. Provision for a Finance Commission to review the finances of the Nagarpalikas and recommend principles on the basis of which State Legislation may determine the taxes to be appropriated by, or assigned to, the Nagarpalikas, as also grants-in-aid to the Nagarpalikas from the Consolidated Fund of the States.

12. Provision for the Election Commission's superintendence, direction and control of elections to the Nagarpalikas, including Nagar Panchayats and other elected committees established under this part.

13. Provision for the Comptroller & Auditor General's power to cause the accounts of the Nagarpalikas, ward committees and zonal committees to be audited in such manner as he may deem fit.

14. Exemption of certain areas and territories from the application of the proposed provision or powers of the President and the Governor to modify them in their application to the Union Territories and Scheduled areas and tribal areas respectively.

15. Provisions for disqualification of a person from membership of a Nagar Panchayat or Nagarpalika or ward committee.

16. Bar of the jurisdiction of courts in matters relating elections to the Nagar Panchayats, the Nagarpalikas and the ward committees.

According to the financial memorandum, the Centre may be required to share some portion of the extra expenditure involved in strengthening the administrative capability of the local bodies at various levels. The memorandum, however, said it was difficult to estimate the annual recurring expenditure as it would depend upon specific decisions taken by the State Government

On August 10, 1989 the Lok Sabha passed unanimously both the Panchayati Raj Bill (Constitution 64th Amendment Bill, 1989) and the Nagarpalika Bill (Constitution 65th Amendment Bill, 1989)[3]. It the Rajya Sabha passes the Bills they will become Acts and the local administration of the urban areas of Manipur will also undergo changes accordingly.

3. See the Times of India August 12, 1989 P. 1.

10

IMPHAL MUNICIPALITY A CRITICAL STUDY

HISTORICAL BACKGROUND :

As early as 1915 a body called Imphal Town Fund Committee was established for the local administration of Imphal Town. Imphal Town Fund Committee consisted of one Chairman and other five members* appointed by the Chairman who happened to be the Political Agent of the British Government in the State of Manipur.

And the record shows that Imphal Town Fund Committee had the power of settlement in the area known as Babupara area, Secretariat area, Khwai Bazar area, D M. College compound area and Deulaland area. And for its administration the Political Agent had a separate Police Department under his control In this area he exercised all executive and judicial powers over and above the settlement powers mentioned above,. During the period of Town Fund Committee the Assam Municipal Act, 1923 was followed though it is not clear as to which Act or Law was followed before the year 1923. It appears that the executive order was the law till the Board was formally established. The Assam Municipal Act, 1923 was in force from 25-4-56 to 12-2-60.

Imphal Town Fund Committee: its powers and functions.

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* Lt Col H.W.C. Cole, C S I I.A. was the first chairman. Mr. C.F. Jeffery, State Engineer ; Mr. H. Lyndoh, Civil Surgeon ; Khan Saheb Hafiz Sherif Shah , Babu Gagan Chandra Aditya and Babu Sadasuk Sarangi were the original members.

Assam Municipal Act, 1956*
and Imphal Municipal Board :

Imphal Municipal Board came into existence in the year 1956. As soon as the Board was established the Assam Municipal Act, 1956 was extended to Manipur and the same was enforced in Imphal. The Board was formed with 12 elected members for 12 wards. The area originally under its jurisdiction was Babupara area, Secretariat area and Khwai Bazar area. In the year 1962 the Municipal area was extended from 1·2 Sq. miles to 6·75 Sq. miles comprising 20 wards.

In the year 1970 the Municipal area was extended from 6·75 Sq miles to 7 05 Sq. miles comprising 22 wards. Then again in the year 1972 the Municipal area was extended from 7 05 Sq miles to 29 57 Sq. miles comprising 26 wards. The Board discharged the powers and functions under the Assam Municipal Act, 1956 for the local administration of Imphal Municipal area.

The Manipur Municipalities Act, 1976**
and Imphal Municipal Board :

Under this Act a Board is constituted for Imphal Municipality. The Board has 26 Commissioners elected from the 26 wards of the Municipal area which measures about 29 57 Sq Kms ; two Commissioners are also appointed by the State Government. Now, the whole area of Lamphelpat is included in the Municipal area. As per 1981 census, the Municipality has a population of about 1, 56, 622.

The Bo rd has its own President and Vice-President elected from amongst its elected commissioners. Regarding their election, tenure of office, qualification, disqualification etc. we have already discussed in Chapter 8 pages 174-77 supra.

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* The Act was in force from 13. 2. 60 to 6.4.76.
** w.e.f. 7-4-1976.

The Board has its own powers and functions under this Act and the bye-laws framed thereunder. We have set forth in detail those powers and functions in Chapter 8 Pages 177-183 **supra** The Board has its own staff. Its Executive Officer is the Principal executive officer. He also functions as Secretary to the Board. All other officers and employees are subordinate to him. But the Executive Officer is under the control of the President. The Board has also Health Officer, Revenue Officer, and Engineer appointed by it with the concurrence of the Government of Manipur.

The administrative units of the Board are (1) General Administration, (2) Engineering Section, (3) Revenue Section, (4) Assessment Section, (5) Project Section (6) Public Health & Sanitary Section and (7) Accounts Section. From practical point of view, the works done by the Board may be classified into three Categories—Plan-works, Non-Plan works and other works.

Plan Works :—Generally, once in a year, the Government of Manipur grants a certain amount of fund to the Municipality as grant-in-aid for certain purposes, such as, construction of Municipal roads, sheds for local markets, execution of other important works. All such works taken up with the money of the Government of Manipur are known as the plan-works of the Municipality. So far, the plan works for improvement or corstruction of roads are taken up by the Municipality through its Engineering Staff. The selection of roads for the works-programme is made through the recommendations of the commissioners of this Board.

Construction of sheds for local markes at Tera Keithel, Lamlong, etc. were taken up by the Public Works Department, Manipur on deposit of money by the Municipality, the money being issued by the Government of Manipur to the Municipality. There are also some other works now

being taken up by the Public Health Engineering Department in the same manner. During the year 1986-87 various works under plan were executed, such as security fencing around B.T. Park and filling of depressions and cutting of kutcha drain around it, repairing of Sahid Minor, purchase of the Usha Telecom Hydrolic Trailor Model T 1-4 and eight Usha Skips (containers) of 4-5 capacity, construction of temperary market-shed to the south of B T. Park, purchase of 166 95 quintles of G C.I. and two nos. of preforbricated R.C C. septic tank etc.

Non-Plan Works : The Municipality has to spend about Rs. 2 lakhs in a month for staff payment and maintenance of the establishment. The amount is spent from its own fund and this expenditure cannot be avoided With money from its fund, the Municipality has also to maintain roads and markets, to purchase R C C culverts and slabs, to purchase equipments, to develop cremation grounds and to do other works which cannot be covered by the Plan-Works. Thus, such works done by the Municipality with money from its fund are called the Non-Plan Works

Other Works :— The Municipality has to pay special attention to certain places, e g , Thangal Bazar and Paona Bazar, these places being important and common It has to remove unwanted materials from these places, to cleanse public latrines and urinals and to sprinkle bleaching powder and phenyle. Besides, it provides reliefs to the Municipal people in times of natural calamaties—floods, droughts, etc. It also extends help to the needy to the extent it can.

Standing Committees : In order to assist the Board in the discharge of its duties it may form standing Committees. During the year 1986-87 seven such Committees were formed, namely, (1) Appointment Committee, (2) Finance & Assessment Committee, (4) Public Works Committee, (5) Public Health Committee, (6) Project Committee and (7) Planning Cell and Publicity Committee.

Present Municipal Problems ;

Encroachment upon Municipal Land : This is the most baffling problem of the Imphal Municipal Board. All of us know that there is encroachment upon the municipal land everywhere within the Imphal town This is a stumbling block to the well and proper execution of the municipal physical planning Thus, proper construction and maintenance of Bazar sheds and stalls, planned beautification of the municipal area etc still remain unachieved. As the most effective remedy against such encroachment it can be suggested that influential politicians and bureaucrats should not back the encroachers.

Traffic Problem : Imphal is not a big city : but we face traffic problem sometimes traffic jam This is mainly because there is no proper and systematic arrangement of traffic, bus parking area and stop Further everything like fish, vegetables, fruit etc. is brought into the heart of the town for sale. Everybody also comes only to the heart of the town for marketing Thus it can be suggested that meaures for sale of things for daily consumption and use at other places like kwakeithel, Terakeithel Lamphelpat Singjamei, Moirangkhom Chingmeirong Yenkhoiba Bazar, Shangakpam bazar etc should be taken and implemented without delay. Proper and well maintenance of bus parking area, schedule-bound bus arrival and departure within the town-area etc will also minimize present traffic problem Mere deployment of traffic police for traffic control will not solve the problem.

Town Beautification : Beautification of Imphal town is a burning problem at present No one can deny the fact that no successfull progress is as yet made in this respect. Within the town area we do not find as yet enough works and implementation regarding road-side tree plantation, street lighting, gardens, parks, swimming ponds etc Even the Kangla Park in the heart of town is not well maintained

We also do not find enough works regarding drainage within the town area. Thus, even a slight rainfall causes Imphal town area muddy, dirty, dusty and water-logding here and there. We can not, however, deny that the Imphal Municipal Board is making its effort for beautification of Imphal town on sound and scientific basis : but without the help and initiative of the Government of Manipur it will be difficult to achieve the goal.

Water Scarcity : This is also one of the major problems of Imphal town, Physically, Imphal town is on the bank of the Imphal river, the largest river in Manipur valley. But the town still faces serious problem in respect of water for drinking and daily use The town dapends on the tap-water from Iroisemba and the water distributed by the P.H E. Department The system can not work successfully. In this respect, it can be suggested that installations of Water Supply Schemes in suitable places of the town will easily solve the problem as the Imphal river can provide the necssary water for the purpose all the year round. The Government of Manipur must issue and sanction the necessary funds.

Financial Problems : Like other local self-government bodies in Manipur, the Imphal Municipal Board is still facing acute financial problems. It spends a huge sum of money on the monthly pay of its staff At the same time, it has to undertake a number of development works as mentioned above involving a heavy expenditure besides doing its obligatory and special functions under the Manipur Municipalities Act, 1976. But the fund at its disposal is meagre. Thus, the Imphal Municipal Board can not work and function to the satisfaction of the municipal people. The staff-employees of the Board also launched a strike regarding their monthly pay and allowance*. Irregularity in the payment of their monthly pay and allowance is a regular feature of the Board.

* See the Prajatranta 9 March, 1989, P. I.

Political Interference : The board also faces the difficulty of being interferred by the Government on political ground. No one can deny the fact that the Board can work and function in the true and real spirit of local self-government independent of any political interference. Thus, on political ground unless approved formally or otherwise by the State Government no work however good and genuine it may be in the public interest can be adopted and done by the Board In the history of the Board rare are not cases where the Board is suspended or superseded by the State Government on political grounds. For political reasons, the State Government also resorts to the untimely dissosolution of the Board. It is also a fact that the President or the Vice-President of the Board can never long remain in office without the support of the State Government

Inadequate pay and allowance of the Members :

The elected members of the Board are not given adequate pay and allowance. Hence, they can not well attend to their functions as they adopt other works for their livelihood. This is one of the reasons for the misuse of the municipal fund.

Prospects :

The Chief Minister of Manipur Sri R K. Jaichandra Singh has assured that the Municipal Boards in Manipur will be given large funds for development works. He also expressed that the up-gradation of the Imphal Municipal Board to a corporation is also under consideration*.

Thus, we may hope that the Imphal Municipal Board will be in a better position in the near future to serve its municipal people. We can also say that the service of the Imphal Municipal Board alone can make Imphal a good place ; but without the co-operation of the Municipal people it will be difficult to achieve this goal.

* For details see Chapters 9 supra & 11 Infra.

11

PROBLEMS OF URBANISATION IN MANIPUR

INTRODUCTION :

The urban population of Manipur is 26 4 P C of the total population of 14,20,953 according to 1981 Census. It shows that most of the people in Manidur live in villages without getting and enjoying modern facilities and amenities of life. Here we must know what an urban area means. An urban area means" (a) all places with a municipality, corporation, cantonment board or notified town area committee ; (b) all other places which satisfy the following criteria : (i) a minimum population of 5,0C0 ; (ii) at least 75 P.C. of male working population engaged in non-agricultural pursuits ; (iii) a density of population of at least 400 persons per Sq. Km[1]. So far Manipur has a few urban areas—7 municipal areas and 30 notified town areas[2].

Town Planning Department :

This Department is functioning as an advisory body in respect of physical planning, development control of Manipur under the Chief Town Planner as Head of Department and Secretary (MAHUD) as an administrative head. To meet the ever increasing problems of urbanisation and population explosion and to control and regulate

1. Ruddar Datt & R.P.M. Sundharam : Indian Economy 1984 P. 63 ; see also Yojana Vol. 31 No. 11 June 16-30, 1987 PP. 14-17.
2. See Chapter 9 supra.

* The object of the Act is primarily the dexelopment of towns and country sides of the State on sound and scientific principles, for securing proper sanitary conditions, conserving and improving public health etc

the haphazard development of cities and towns of Manipur, the Government of Manipur enacted the Manipur Town & Country planning Act, 1975* and Rules thereunder. The activities and area of operation of the Town Planning Department extends in the whole of Manipur irrespective of hill or valley, urban or village for better physical planning concept, standard of living and amenities of Town. During the 7th Five Year Plan (1985-90) the outlay of this Department is Rs. 540 lakhs.

Master Plan

The Master Plan for Greater Imphal was prepared and published during the year 1976. In the frame-work of the plan, Development Schemes are taken up and implemented by PDA (Planning & Development Authority). The Plan is now being revised. During the year 1986-87, Master Plan for five towns viz 1. Bishenpur, 2. Tamenglong, 3. Moirang, 4. Kakching, 5. Nambol were prepared and were in the different process of publication under the Manipur Town & Country Planning Act, 1975.

Regional Plan :

Preparation of a comprehensive regional plan for the Imphal valley region consisting of Imphal, Thoubal and Bishenpur Districts is now being taken up in consultation with the experts of Town & Country Planning Organisation of Ministry of Urban Development, Government of India.

Integrated Development of Small/Medium Towns (IDSMT) :

The Town Planning Department prapared project reports for Kakching and Jiribam towns to get Central assistance of Rs. 20 lakhs each. But recently on the advice of the Central Government the projects of the above two towns has been revised to Rs. 40 lakhs for each town. The revised Project Peports also include provision for ugmentation of low cost sanitation schemes for both the

towns to the tune of Rs. 15 lakhs each. During the Annual Plan 1986-86 preparation of Project Reports for Bishenpur and Lamlai towns were taken up for getting Central assistance of Rs. 55 lakns for each town.

Planning & Development Authority (PDA) :

It was established in the year 1975 under the Manipur Town & Country Planning Act. 1975 and it started functioning from the year 1976. As stipulated by the Act, the major task of PDA is to execute the Master Plan for development area. At present PDA is taking up schemes in different fields like Housing, Commercial etc. It also implements many schemes for urbanisation in different places of Manipur. Thus, it has taken up Integrated Development of Small & Medium Towns' schemes (IDSMT) at Kakching and Jiribam Towns At Kakching construction of market I & II consisting of 10 nos of shop buildings, 8 nos. of women vendor sheds and one composite shed and one bus terminus has been completed. At Jiribam construction of merket No. 1 consisting of 24 nos. of 10 pucca shops has been completed. Composite shed and market No. III are near compction. Two new towns viz. Bishenpur and Lamlai shall be covered under IDSMT for which implementation will be started very soon.

Why people desire Urbanisation :

As we all know, modern development means sound and scientific urbanisation. Urbanisation of an area means providing that area with all modern facilities and amenities of life—educational institutions, hospitals and dispensaries sound transport and communication, electrification, facilities for supply of consumers' goods at controlled prices, recreational centres etc. That is why, everywhere in Manipur - hill and valley-everyone desires urbanisation.

No doubt Manipur is in the proces of urbanisation. But urbanisation requires heavy expenditure. In fact, it

will not be possible for the Government of Manipur alone to carry out the entire urbanisation programme in Manipur without the financial help of the Central Government. Further, the Government of Manipur may not have the necessary technical skill. Hence, the Central Government must also give the necessary guidance. In this respect, it is encouraging to note that the Central Government under the dynamic leadership of the Prime Minister Sri Rajiv Gandhi is taking bold steps for strengthening the urban local self-government bodies*. It means that the process of urbanisation in Manipur also will get the necessary support from the Central Government.

Conclusion

But we should have a balanced urbanisation** otherwise regional disparity will emerge and the distribution of population will be uneven. Thus, if a balanced urbanisation is implemented there will be no population explosions in municipal and town areas of Manipur and the administration will be easy. Therefore, the Government of Manipur must see that a balanced urbanisation is always adopted everywhere in Manipur.

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* See Chapter 9 P. 190 supra.

** Yojana Vol. 29 No. 13, July 16-31. 1985 PP. 15-21 ; Vol. 31 No. 11, June 16-30, 1987 PP. 14-17 & 27 ; Vol. 30 No. 19 October 16-31, 1986, PP, 11-14 ; also AN Agrawal : Indian Economy 1985, PP. 94-97.

12

LOCAL SELF-GOVERNMENT & ECONOMIC PLANNING IN MANIPUR

Introduction

We have earlier discussed that Manipur had a highly centralised system of administration*. In political theory and practice a centralised system of administration means a system of centripetal political activities accompanied with centralised economic planning and system. Thus, local self-government institutions in Manipur have been functioning as mere agents of the Government of Manipur as regards economic planning and process. They have been mere recipients of the plan benefits and schemes instead of being active participants in planning and its process.

Centralised Planning in India : its repercussion in State Planning

Even these days, we have a highly centralised system of economic planning and process in Manipur. This mainly results from the centralised planning adopled by the Government of India. **Yojana** observes thus[1] : In our planning process, neglect of spatial factors and absence of genuine regional planning has been mainly due to one basic reason that we have placed excessive reliance on centralised planning The Plan is formulated by the Planning Commission at the Centre and the State Governments have merely to adjust their programmes accordingly. The State Governments voice their opinion through one agency called National Development council (NDC) which functions with a mere purpose

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* See Chapters 2 & 7 supra.

1. See its issue VOL. 31 No. 3 Feb. 16-28, 1987 P. 27; also M.P. Sharma : Public Administration Theory and Practice, 15th Edition, PP. 530-31.

of securing the co-operation of States in execution of the Central Plan. The meetings of N.D.C. are called for a very short period and conducted hurriedly to make adjustments here and there in the proposed plan formulated by the Planning Commission. The role of States in planning process is confined to bargaining for higher allocations and more financial resources. Their role in plan-formulation continues to be negligible. Surprisingly, at the state level and the lower levels there is no exclusive machinery for planning and the execution of the plan programmes is carried out by the departments of State Governments. The Planning Commission had not doubt issued guidelines during the 4th Plan for the formulation of district plans but they have remained almost ineffective due to lack of infrastructure at the district level. Looking at this situation it can be safely said that it was solely due to centralised nature of planning that regional perspectives had to be side-tracked with the results that regional disparities assumed serious proportions during the plan period.

As stated above, we still have in Manipur a highly centralised system of economic planning and process.

Economic planning & process in Manipur.

The State Planning Department functions largely as a focal department in respect of preparation of plan programmes and projects keeping in view, the special requirements of the State. It also conducts regular review progress of implementation, both for consumption of the State Government and submission to the Planning Commission and the Government of India. It also provides Secretariat support to the Apex Planning Body in the State—the State Planning Board. The State Planning Department also initiates the formulation of the Annual Plan. The draft proposals for the Annual Plan are

prepared by each of the Development Departments in accordance with the guidelines of the Government and the same is brought before the State Planning Board and the State Cabinet prior to submission to the Planning Commission. The proposals are discussed at length in the Planning Commission and ultimately the Plan is approved with or without modification in its size[2].

District Planning in Manipur.

At the District level, District Planning Boards are constituted by the administrative orders of the Government of Manipur. Every District of Manipur has a District Planning Board (DPB) of which the concerned Deputy Commissioner is the Chairman; and all the MPs, MLAs and District Officers etc. who are within the local jurisdiction of the District are its members. District Planning Officer (DPO) is the member secretary (usually Additional District Magistrate). DPB has so far no power to initiate and plan a budget of its own: rather it has been using for the last five years uptill now the budget sanctioned by the Secretariat Planning Department. Thus, there is no planning at all from the grass-root level. But following the modern political and economic trends, there has been a move for change in the powers and functions of the DPB; more powers and functions are likely to devolve on it; Zila Parishad President/ District Council Chairman is to be its Chairman*.

We have now known that at the bold and encouraging initiative of our Prime Minister Sri Rajiv Gandhi three "Panchyati Raj" "Sammelans" have been held at New

2. Government of Manipur Administration Report 1986-87 P. 14.

* Source: Office of the Addl. Deputy Commissioner, Kangpokpi, Senapati District, Manipur.

64th Constitutional Amendment Bill and "Panchayati Raj" institutions.

Delhi, Calcutta and Bangalore[3]. Hence we must know what the Prime Minister said and assured on January 27, 1989 at the Panchayati Raj Sammelan of 12 north-western states of India at New Delhi. The Prime Minister said that the eighth Plan would be formulated according to the new concept of grassroots planning, marking the beginning of the process of decentralisation of planning. He further conceded that the government had failed over the past decades to fulfil the promises made by Mahatama Gandhi and Jawaharlal Nehru to involve people in the planning process through Panchayati Raj system. Adequate powers were either not given to the Panchayati Raj bodies or were cleverly withdrawn. As a result, the system had little role to play in the formulation and implementation of development programmes. The Central and State level administration had become strong over the years at the cost of local institutions. Hence, the need of the hour is decentralised planning including the strengthening and revitalisation of "Panchayati Raj" institutions*.

Conclusion

In order to implement the above assurances in respect of "Panchayati Raj" and decentralised planning the Prime Minister Sri Rajiv Gandhi has introduced the 64th Constitutional Amendment Bill on May 15, 1989**. Thus, it can be expected that the Government of Manipur will strengthen and revitalise the "Panchayati Raj" institutions in

3. The Times of India Jan. 28, 1989, P. 8; see also The Telegraph Nov. 5, 1988, P. I.

* For details see author's bbok, Panchayati Raj in Modern India.

** For details see Chapter 7, PP. 10 & 11 supra.

Manipur and adopt decentralised planning if the above Bill becomes an Act in due course. But the problem is the antagonism that exists between political centralisation and economic decentralisation Because, these days, the ruling party better protects their own political interests than the interests of the common people. Herein lies the main cause of the failure of all the economic plans in Manipur.

13

JUDICIARY AND LOCAL SELF-GOVERNMENT IN MANIPUR

Modern public administration is also shared by local self-government authorities Current political trends also put much emphasis on their responsibility in the dispensation of modern welfare services. In our country these authorities are included within the meaning of State under Articles 12 and 36 of the constitution*. Since they are part and parcel of modern administrative machinery in our country their administrative action is subject to judicial review. In other words, they should exercise their powers and discharage their functions in compliance with the provisions of the parent Acts and the rules framed thereunder and the provisions of the constitution, otherwise Courts can declare their administrative action null and void and not binding. In Manipur Gram Sabhas[1], Panchayat Samitis[2], Zila Parishads[3], District Council[4], Municipal Boards[5], Small Town Committee[6], Village Authorities[7] etc. are bodies corporate and they can sue and be sued in their names in respect of the powers and functions they exercise and discharge under their Parent Acts.

Introduction.

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* For details see Introduction, Supra.

1. The Manipur Panchayati Raj Act, 1975 Section 4.
2. ibid. Section 53.
3. ibid. Section 94.
4. The Manipur (Hill Areas) District Councils Act. 1971, Section 22.
5. The Manipur Municipalities Act, 1976 Section 7 (2).
6. ibid. Section 7 (2) R/W Sections 219 & 220.
7. The Manipur (Village Authorities In Hill Areas) Act, 1956 Section 14.

Delegated legislation* by the local self-government authorities in Manipur.

Section 57 of the Manipur (Village Authorities In Hill Areas) Act, 1956 empowers the Governor of Manipur to make rules for carrying out the purposes of the Act and for the conduct of election of members of Village Authorities. Thus, Rules for the Conduct and Election of Members of the Village Authorities, 1957 and 1971 are made.

Section 51 of the Manipur (Hill Areas) District Councils Act, 1971 empowers the Governor of Manipur to make rules for the purpose of carrying out the purposes of the Act. In this respect the Governor of Manipur has made rules including the Manipur (Hill Areas) District Council Election Rules, 1972 and the Manipur (Hill Areas) District Councils Rules, 1972.

Section 219 of the Manipur Panchayati Raj Act, 1975 similarly empowers the Government of Manipur to make rules for the purpose of carrying into effect the purposes of the Act. So far, the Government of Manipur has made

* The term is used in two senses : (a) the exercise by a subordinate agency of the legislative power delegated to it by the legislature, or (b) the subsidiary rules themselves which are made by the subordinate agency in pursuance of the power as mentioned in (a). As administrative lawyers, we are more interested in the "technique", rather than the actual rules made. In India, quite often the term employed is "subordinate legislation"; it conveys the idea that the authority making the legislation is subordinate to the legislature. Delegated legislation (in the second sense mentioned above) is designed by several names, such as, rules, regulations, bye-laws, orders etc.. though the term "rules" is more commonly employed. See M.P. Jain & S.N. Jain : Principles of Administrative Law 26 & 27 (1986).

the Manipur Gram Panchayat And Nyaya Panchayat (General) Rules, 1978.

Section 203 of Manipur Municipalities Act, 1976 also empowers the Government of Manipur to make rules for the purpose of carrying into effect the provisions of the Act. But the ruies must be made only in the manner laid down in the sections of the parent Acts. And the rule-making power is exercised by the Government of Manipur.

Bye-law* making power is exercised by the local self-government authorities. Thus, bye-law making power of the District Councils is found in section 52 of the Manipur (Hill Areas) District Councils Act, 1971. The purposes for which the bye-laws may be made are laid in the section itself. Similary, under Section 204 of the Manipur Municipalities Act, 1976 a Municipal Board may make bye-laws for the purpose of carrying out the provisions of the Act. But the purposes for which the bye-laws may be made are laid down in the section itself. Bye-law making power of Gram Panchayat, Panchayat Samiti and Zila Parishad is found in Section 220 of the Manipur Panchayati Raj Act, 1975 But the exercise of the power shall be subject to the condition of previous notification in the Official Gazette. But the bye-laws should be made in the manner laid down in the sections of the parent Acts. They should also be confirmed by the Government of Manipur[8].

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8. See Section 52 (2) of the Manipur (Hill Areas) District Councils Act, 1971 ; and Section 206 of the Manipur Municipalities Act 1976 ; Section 220 of the Manipur Panchayati Raj Act, 1975.

* Commonly, rules made by local authorities under statutory power are regarded as bye-laws. For details see D.D. Basu : Administrative Law 124 (1986).

Judicial review of the above delegated legislation :

But the Court can review the above delegated legislation on these grounds, namely,

(1) Consititutionality of the parent Act : The parent Act must comply with the provisions of the constitution. Thus, if the parent Act is ultra vires the constitution the delegated legislation made under the Act shall also be null and void and ultra vires the constitution[9]. (2) Contitutionality of the delegated legislation : Even if the delegated legislation is intra vires its parent Act it may sometimes be ultra vires the constitution. That is to say, a delegated legislation otherwise valid under the parent Act shall be null and void provided the delegated legislation infringes any provision of the constitution. Thus, in Rashid Ahmed v. Municipal Board[10] certain bye laws were struck down by the Court as they violated Article 19 (1) (g) of the constitution. (3) Substantive ultra vires : If the delegated legislation goes beyond the scope of the authority conferred by the statute, or it is in conflict with the delegating statute the Court can declare the delegated legislation null and void and not binding.[11]. (4) Procedural ultra vires : In making the delegated legislation the delegate must follow the procedure laid down in the parent Act, otherwise the delegated legislation shall be null and void and not binding[12].

9. See M P Jain & S N. Jain, supra P. 60.
10. AIR 1950 S.C 163
11. Yassin v. Town Area Committee AIR 1952 S C. 115; Bhim Sen v. State of U.P. AIR 1955 S.C 435 ; Rameshwar v. State of U.P. AIR 1983 S.C. 383 (para 21)
12. M.P. Jain & S N. Jain, supra PP. 72-73.

(5) Change of policy of the Act : The delegated legislation must not change the policy of the Act under which it has been made[13]. Thus, if the delegated legislation changes the policy of the Act, it shall be null and void.
(6) Retrospective effect : The delegated legislation cannot be given retrospective effect unless the Act expressly or by necessary implication confers such power upon the delegate[14]

Courts which can exercise the power of judicial review :

Under the relevant provisions of the constitution and the relevant law[15], the power of judicial review of delegated legislation shall lie with the Supreme Court and the High Court of our State. But the power of the High Court is much wider than that of the Supreme Court. Because the Supreme Court can declare a delegated legislation null and void only and only when it infringes one of the fundamental rights laid down in Part III of the constitution while the High Court can exercise the same power in any of these cases where the delegated legislation violates a fundamental right or a constitutional provision or a legal right or even the principles of natural justice. Thus, the ordinary court shall have no power of judicial review of delegated legislation.

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13. Trivedi V. State of Gujarat, AIR 1986 S.C. 1323 ; Om Prakash V Union of India AIR 1971 S.C. 771 ; Shiv Kirpal V Giri AIR S.C. 2007.
14. Indramani V. Natu AIR 1963 S.C. 274 ; I.T O. V. Ponose AIR 1970 S C. 385 ; Hukumchand V. Union of India AIR 1972 S.C. 2427.
15. See Articles 13, 32 & 226 of the Constitution read with Article 228 thereof and Section 113 of the Code of Civil Procedure. According to Article 13 of the Constitution both pre-constitution and post-constitution laws

Contd.

Declaratory reliefs against the illegal acts of the local self-government authorities in Manipur :

Under the ordinary law there may also be cases where declaratory relief can be granted against the illegal administrative acts of the local self-government authorities in

including rule, bye-law, notification etc. shall be null and void provided they violate the fundamental rights given in Part III of the Constitution According to Article 32, our Supreme Court has the original jurisdiction to enforce these rights in case of their violation by any authority in the Indian territory. Under Article 226 the High Court of our State has also the concurrent jurisdiction to enforece these rights in the like manner within the territory of Manipur ; under this Article the High Court has also the original jurisdiction to enforce any other legal right which can not otherwise be enforced in the ordinary civil courts within its territorial jurisdiction. Under Article 228 the High Court of our State will withdraw to itself for decision a case pending in a court subordinate to if the case involves a substantial question of law as to the interpretation of the Constitution. Section 133 of the Code of Civil Procedure, 1908 casts a duty on a subordinate Civil Court to refer a case to the High Court for its opinion when the case involves the determination of the validity or otherwise of an Act or Ordinance or Regulation which has not been so previously determined by the Supreme Court or the High Court.

Manipur[14]. Thus, action shall lie against such an authority for—(a) Ultra vires exercise or abuse of statutory powers, e g.— i) assessment of tax without jurisdiction ; (ii) taking up an undertaking which was not within its powers ; (iii) a sale of its property. (b) Misapplication or ultra vires use of public funds. Thus, a rate-payer may bring a suit for a declaration and injunction to restrain the misapplication of municipal funds, particularly when the expenditure is sought to be made on a scheme which is ultra vires or the exercise of the discretionary power of such an authority is improper or mala fide. Regarding assessment a suit will lie in the Civil Court for declaraton that the assessment is void where it is ultra vires the Act, i.e. in contravention of the powers conferred by

Decaratory suits with consequential reliefs in respect of illegal acts.

14. A declaratory action, in India, is governed by Section 34 of the Specific Relief Act, read with Section 9 of the Code of Civil Procedure. These two provisions are—Section 34 of the Specific Relief Act, 1963, says—"Any person entitled to legal charactor, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief : Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a declaration of title, omits to do so". Section 9 of the Code provides—"The Courts shall subject to the provisions herein contained, have jurisdiction to try all suits of civil nature excepting suits of which their cognizance is either expressly or impliedly barred".

the Act or against the fundamental principles of judicial procedure[15].

Injunctions against the illegal acts of the local self-government authorities in Manipur.

Injunction[16] shall lie against such an authority where it exceeds its statutory powers or acts contrary to law, e g , (a) to prevent illegal taxation ; (b) to restore wafer supply illegally cut off ; (c) to prevent misapplication of funds ; (d) to prevent commission of nuisance ; (e) to restrain it from committing a breach of trust. Mandatory injunction may also be available against a Municipality in such cases, e g , to direct it to cancel an order of demolition of the plaintiff's building, or to issue a licence to the plaintiff sanctioning the erection of his building, or to relinquish a land in favour of the collector when the purpose for which it has been acquired has been abandoned[17].

Cases where courts shall not interfere with :

But it is not practice of the court to interfere with powers. Thus, court will not interfere with such an authority where it exercises the discretion given to it by

15. Durga Das Basu : Administrative Law 478 & 479 (1986).
16. As per Section 40 of the Specific Relief Act, 1963 an injunction will now be available not only against the public officers but also against the government just as the prerogative writs are available under Article 32 or 226 of our Constitution. Injunction is a judicial process whereby a party is ordered to refrain from doing or to do a particular act or thing. In the former case it is called a restrictive (non-mandatory/prohibitory) injunction ; in the latter a mandatory injunction. For details see Row's Law of Injunctions 9, 17, 26-28 (1976).
17. See Durga Das Basu supra PP. 484-485.

the legislature[18]. Nor shall court interfere with such an authority where it exercises powers which are reasonably incidental to the exercise of powers which are expressly conferred on it by the relevant Act[19]. But exercise of the discretionary and incidental powers may infringe a judge-made criterion evolved to regulate such powers. In such a case, mandamus may be a proper remedy directing the concerned authority to act according to law[20].

Procedure for filing suits against the local self-government authorities in Manipur:

While filing a suit against a local self-government authority in Manipur the procedure laid down in the parent Act must be strictly followed; otherwise court can not entertain the suit as expressly barred on procedural ground. Thus, Section 242 of the Manipur Panchayati Raj Act, 1975 lays down thus: (1) No suit or other civil proceedings against a Zila Parishad, Panchayat Samiti, Gram Panchayat or against any member, officer or employee thereof or against any person acting under the direction ot the Zila Parishad, Panchayat Samiti, Gram Panchayat or any member or employee thereof for anything done or purporting to be done under this Act or the Rules or the Bye-laws made thereunder in its or his official capacial capacity—(a) shall be instituted until the expiration of 60 (sixty) days after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the nature of the relief which he claims, has been, in the case of a Zila Parishad, Panchayat Samiti, Gram Panchayat, delivered or left at their respective offices and, in the case of a member, officer, employee or person as aforesaid, delivered to him or left at his usual place of abode and

18. ibid. P 487.
19. ibid. P. 488.
20. See M.P. Jain & S.N. Jain, supra P. 523.

the plaint shall in each such case contain a statement that such notice has been so delivered or left ; or (b) shall be instituted, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, otherwise than within six months next after the accrual of the alleged cause of action :

Provided that no suit, prosecution or other legal proceedings shall lie or be instituted against any of the above institutions, member, officer, employee or person for anything which is in good faith done or intended to be done under this Act as mentioned in sub-section (1) or under the Rules or Bye-laws made thereunder.

(2) The notice referred to in sub-section (1), shall be addressed to the Chief Executive Officer or Executive Officer or the Secretary of the Zila Parishad or Panchayat Samiti or Gram Panchayat, as the case may be.

Section 247 of the Act further lays down : No civil Court shall have jurisdiction to question legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.

Section 196 of the Manipur Municipalities Act, 1976 lays down thus ; (1) No suit or other legal proceeding not being a criminal proceeding, shall be instituted against any Board, or any of its officers in respect of any act purporting to be done by such officer in his official capacity, or any person acting under its direction, until the expiry of two months next after notice in writing has been delivered to, or left at the office of—(a) in the case of a suit against the Board, the Executive Officer ; (b) in the case of an officer, the office against whom the suit or proceeding is instituted ; and in the case of any person actiong under its direction, delivered to him at his place of residence or business, stating the cause of action, the name, description and place of residence of the plaintiff or the petitioner

and the relief which he claims; and the plaint or the petition shall contain a statement that such notice has been so delivered or left Explanation—"Officer" in this section includes the President and the Vice President, (2) Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

Mandamus for performance of duties by local self-government authorities in Manipur:

High Court's power to enforce the performance of duties by local self-government authorities.

In the preceding chapters of this book we have discussed in detail the powers and functions of local self-government authorities in Manipur. These authorities have their own powers and functions as laid down in their parent Acts and the rules framed thereunder and the provisions of the Constitution, At the same time, they should also discharge the obligations imposed on them by the administrative instructions issued by the Government from time to time. Thus, if they refuse or avoid to exercise their power and to discharge their functions given in the parent Acts and the rules framed thereunder on application by the aggrieved person/party the High Court of our State in exercise of its powers under Article 226 of the Constitution can issue mandamus in order to compel them to exercise and discharge their powers and functions[1]. **Mandamus** may also be issued to enforce a mandatory duty which may not necessarily be a statutory duty. Thus, the High Court may, in appropriate cases, compel the performance of an obligation imposed by a non-statutory scheme or administrative instructions upon

1, Rampal Vs. State, AIR 1981 Raj. 121; Bombay Municipality Vs. Advance Builders, AIR 1972 S.C, 793,

the local self government authorities in Manipur[2]. But the High Court may refuse to issue mandamus in cases which raise complicated queotisns of financial resources, accounting, manpower, technical knowhow, management skills and so on—the tasks which the judicial process is not in a position to handle[3]. However, when no such expertise is needed on the part of the court in enforcing a public duty, the High Court will issue mandamus Thus, a Municipality in Manipur may be compelled by mandamus to implement town planning scheme which is prepared by it and approved by the government under the relevant statute but on which no action was taken for a considerable time[4]. The High Court may also direct a Municipality to perform its duties of providing proper system for the flow and removal of filth and rubbish from public places[5].

Mandamus and discretionary powers.

We have also found that extensive discretionary powers are being conferred on local self-government authorities, and the question of judicial review of such powers is a burning problem of administrative law today. According to the concerned experts[6] this aspect also falls within the purview of mandamus. A body may exercise its discretion infringing a judge-made criterion evolved to regulate discretionary powers. In such a case, mandamus

2. Jiwat Bai & Sons Vs. G.C Batra AIR 1976 Del 310; see also de Smith : Judicial Review of Adm. Action 540 (1980).

3. M.P Jain & S.N Jain : Principles of Administrative Law 522 (1986).

4. Bombay Municipality Vs. Advance Builders AIR 1972 S.C. 793.

5. Rampal Vs. State AIR 981 Raj 121.

6. M.P. Jain & S N. Jain : Principles of Administrative Law 522 (1986).

may be a proper remedy directiong the concerned authority to act according to law. A discriminatory administrative decision may be quashed through mandamus.

Court's power to interfere in the supersession/ dissolution of local self-government authorities :

Frequently, the Government of Manipur supersedes/ dissolves the local self-government authorities in Manipur —District Council[1], Gram Panchayat[2], Panchayat Samiti[3], Municipal Board[4], Small Town Committee[5] etc. But the order of supersession/dissolution must be passed only on the grounds and in the manner laid down in the relevant section itself; otherwise the High Court of our State may, by passing an appropriate order under Article 226 of the Constitution of India[6] on an application by any aggrieved person/party[7], declare the supersession/dissolution null and void and not binding.

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1. The Manipur (Hill Areas) District Councils Act, 1971, Section 47 (1); see alsu PP. 99-100 supra.
2. The Manipur Pancayati Raj Act, 1975, Section 87.
3. ibid. Section 88 ; see also P. 141 supra.
4. The Manipur Municipalities Act, 1976, Section 200 ; see also P. 183 supra.
5. ibid.
6. Article 226 (1) reads thus : Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs ... . for the enforcement of any of the rights conferred by Part III and for any other purpose.
7. A member of the superseded/dissolved local authority shall have locus standi to challenge the order of supersession/dissolution vide A.I.R. 1981 S.C. 136.

APPENDIX—I

1. **Tengnoupal Autonomous District council with** its Headquarters at **Chandel**, is constituted by 20 members —18 elected and 2 nominated. It serves the Tengnoupal District excluding the areas covered by the two Small Town Committees—Chandel and Moreh—established in the District.

2. **Manipur East Autonomous District Council** was established on 1st August 1973 with its Headquarters at **Ukhrul.** It has 20 members—18 elected and 2 nominated. It serves the Ukhrul District excluding the area covered by the Small Town Committee established in the District.

3. **Manipur South Autonomous District Council**, with its Headquarters at **Churachandpur**, has 20 membes —18 elected and 2 nominated It serves the Churachandpur District excluding the area covered by the Singhat Small Town Committee eastablished in the District. It now covers the Churachandpur Municipal area as the Churachandpur Municipality has ceased to exist and function w e f. 1-3-1988.

4. Manipur North District (now known as Senapati District) has two District Councils—**Manipur North Autonomous District Council** with its Headquarters at **Senapati** and **Sadar Hills Autonomous District Council** with its Headquarters at **Kangpokpi.**

Manipur North Autonomous District Council has 20 members—18 elected and 2 nominated.

Sadar Hills Autonomous District Council also has 20 members—18 elected and 2 nominated.

The two District Councils serve the whole area of the Senapati District excluding the areas covered by the Small Towns—Mao, Karong Senapati, Tadubi and Kangpokpi—established in the District.

5. **Manipur West Autonomous District Council**, with its **Headquarters at Tamenglong**, serves the Manipur West District (now known as Tamenglong District) excluding the area covered by the Tamenglong Small Town Committee established in the District.

APPENDIX—II

District-wise Block Panchayat Samitis in Manipur*

Sl. No.	Name of District	Name of Block Panchayat Samiti
1.	Imphal	1. Imphal East-I Block Panchayat Samiti ;
		2. Imphal East-II Block Panchayat Samiti ;
		3. Imphal West-I Block Panchayat Samiti ;
		4. Imphal West-II Block Panchayat Samiti ;
		5. Jiribam Block Panchayat Samiti ;
2.	Bishnupur	1. Bishnupur Block Panchayat Samiti ;
		2. Moirang Block Panchayat Samiti ;
3.	Thoubal	1. Thoubal Block Panchayat Samiti ;
		2. Kakching Block Panchayat Samiti ;

* Source : Directorate of Rural Development & Panchayati Raj, Govt. of Manipur. Please see Panchayat Samiti in Chapter 6, PP. 131-145. We must note that each Panchayat Samiti bears the name of the concerned block. Thus, all the Panchayat Samitis in Manipur bear the names of the 9 (nine) Community Development Blocks in the valley of Manipur,

Block-wise Gram Panchayats & Nyaya Panchayats in Manipur*

Name of Block : Imphal East-I (Imphal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Pukhao	1 Pukhao
2. Heraorou Tangkham	2. Khundrakpam
3. Khundrakpam	3. Kairang Khomidok
4. Uyumpok	4. Sawombung
5. Waiton	5. Moirangkampu
6. Tellou Chana	6. Heingang
7. Sheijang	
8. Nongren Chingnungpok	
9. Takhel	
10. Pungdongbam	
11 Sawombung	
12 Konsam Leikai	
13. Kangla	
14. Moirang Kampu	
15. Khurai Chingangbam Leikai	
16. Nandeibam Leikai	
17. Laishram Leikai	
18. Kairang Khomidok	
19. Heingang	
20. Laipham Khunou	
21 Lairikyengbam Leikai	
22. Kontha Khabam	
23. Luwangsangbam	
24. Nilakuthi	
25. Khurai Khaidem Leikai	
26. Makeng Dolaithabi	

Source : Directorate of Rural Development & Panchayati Raj Govt. of Manipur, please see Gram Sabha & Gram Panchayat and also Nyaya Panchayat in Chapter 6, PP. 119-131 & 154-162.

Name of Block : Imphal East-II (Imphal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Top Dusara	1. Kshetrigao
2. Top Naoria	2. Uchekon
3. Thambalkhong	3. Thongju
4. Kshetrigao Part-I	4 Keirao
5. Kshetrigao Part-II	5. Chingamdabi
6. Naharup	6. Tulihal
7. Bamon Kampu	
8. Keirao	
9. Chanam Sandrok	
10. Keirao Makting	
11. Kiyamgei Muslim Arapti	
12. Kiyamgei	
13. Tumukhong Moirangpurel	
14. Changamdabi	
15. Yambem	
16. Top-Chingtha	
17. Tulihal	
18. Angtha	
19. Thongju Part-I	
20. Thongju Part-II	
21. Bashikhong	
22. Torban Kshetri Leikai	
23. Khongman	
24. Uchekon Nongpok	
25. Uchekon Nongchup	

Name of Block : Imphal West-I (Imphal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Kanglatongbi	1. Kalapahar
2. Potsangbam	2. Potsangbam
3 Khongampat	3. Mayanglangjing
4 Khurkul	4. Maklang
5. Phumlou	5. Konthoujam
6 Mayanglangjing	6. Sagolband Bijoy Govinda
7. Lairenkabi Kadangbal	7. Lamjaotongba
8 Phayeng	
9 Awang Khunou	
10. Maklang	
11. Moidangpok	
12. Kamong	
13. Yarou Bamdiar (Khabi Bamdiar)	
14. Konthoujam	
15. Yurembam	
16 Ngairangbam	
17. Patsoi	
18. Langjing	
19. Bijoy Govinda	
20. Sagoband Sapam Leikai	
21. Lamjaotongba	
22. Changangei	
23. Sagolband Thounaojam Leikai	
24. Takyel	
25. Iroisemba	
26. Santalabari Parasian	
27. Koubru Leikha Kalapahar	
28. Upper Kalapahar	
29. Toribari	

Name of Block : Imphal West-II (Imphal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Malom	1. Kodompokpi
2. Lairenjem-Meijrao	2. Naoriya Pakhanglakpa
3. Kodompokpi	3. Maibam Leikai
4. Hiyangthang	4. Hiyangthang
5. Langtabal Ningombam	5. Phougakchao
6. Mongsangei	
7. Sangaiprou Mamang	
8. Naoriya Pakhanglakpa	
9. Oinam Thingel	
10. Maibam Leikei	
11. Langthabal Mantrikhong Naorem Leikai	
12. Samusang Bitra Urokhong	
13 Uchiwa	
14. Phougakchao Sekmaijing	
15. Laphupat Komlakhong	

Name of Block : Jiribam (Imphal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Dibong	1. Jiribam
2. Hilghat	2. Barak
3. Sonapur	
4. Latingkhal	
5. Borobekra	
6. Jakuradhor	

Name of Block : Bishnupur (Bishnupur District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Utlou	1 Leimapokpam
2. Sanjenbam Pukhram	2. Keinou
3 Leimapokpam	3. Phubala
4. Ishok	
5. Irengbam	
6. Keinou	
7. Ngaikhong khullel	
8. Toubal	
9. Khoijuman Kwashiphai	
10. Nachou	
11 Thinungei	
12 Phubala	

Name of Block : Moirang (Bishnupur District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Ngangkhalawai	1. Kwakta
2. Tronglaobi	2. Moirangkhunou
3. Tera Khongsangbi	3. Wangoo
4. Thanga Part-I	
5. Thanga Part-II	
6. Moirangkhunou	
7 Kha Thinungei	
8 Wangoo	
9. Wangoo-Tera-Khong	
10. Borayangbi	
11. Kwakta	
12. Saiton	
13. Torbung	

Name of Block : Thoubal (Thoubal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Turel Ahanbi Atoukhong	1. Atoukhong
2. Oinam Sawombung	2. Leishangthem
3. Khekman	3 Sapam
4. Moijing	4. Heirok
5. Wangkhem	5. Wangjing
6. Leirongthel Ningel	6. Charangpat
7. Lourembam	7. Khangabok
8. Charangpat	
9. Wangbal	
10. Kangyambam	
11. Khangabok Part-I	
12. Khangabok Part-II	
13. Khangabok Part-III	
14. Sangaiyumpham Part-I	
15. Sangaiyumpham Part-II	
16. Wangjing	
17. Heirok Part-I	
18. Heirok Part-II	
19. Heirok Part-III	
20. Langathel	
21. Samaram	
22. Tekcham	
23. Sapam	
24. Teatha	
25. Maibam Uchiwa	
26. Irong Chesaba	
27. Leisangthem.	

Name of Block : Kakching (Thoubal District)

Name of Gram Panchayat	Name of Nyaya Panchayat
1. Pallel	1. Wabagai
2. Irengbal	2. Langmeidong
3. Keirak	3. Pangaltabi
4. Mayang Lamjao	
5. Langmeidong	
6. Pangaltabi	
7. Serou	
8. Chairen	
9. Wangoo	
10. Arong Nongmaikhong	
11. Hiyanglam	
12. Sekmaijing	
13. Wabagai	
14. Hayel Hangool	
15. Waikhong	

The planning and implementation of the programme will be carried out through the Gram Panchayats in the valley of Manipur and through the Village Authorities in its hill areas. The programme will guarantee employment to the rural poor in Manipur and thus will improve their socio-economic conditions. But without honesty on the part of the Government and co-operation from the rural people of Manipur the programme may not serve the purpose for which it is launched. Further, there are many apprehensions about the proper utilisation of the funds, under the said Yojana considering the nature of Manipur politicts at the grassroots level*.

* For detailed criticism of the Yojana see the Times of India October 5, 1989, P. 11.

APPENDIX—III

Jawahar Rozgar Yojana & Panchayati Raj in Manipur

To guarantee employment to the rural poor was one of the dreams of Pandit Jawaharlal Nehru. He said ; "There is no problem before the country so accurate as the problem of unemployment and underemployment. There is no segment of our population more disadvantageous than the rural poor. Unemployment is one of the major problems. We can not remove it by magic. But we should be able to guarantee employment ... "

Thus, to guarantee employment to the rural poor in India, the Centre has launched a programme called Jawahar Rozgar Yojana on 28th April 1989. Central assistance will finance 80% of the programme. In its very first year of operation, that is the current fiscal year, central assistance for this programme will amount to Rs 2100 crores. Funds will be allotted to the States in proportion to the size of their population, which falls below the poverty line. The further devolution of these funds to districts will be determined in terms of criteria of backwardness such as the share of the Scheduled Castes and the Scheduled Tribes in the total population of the district, the proportion of agricultoral labour to total labour and the level of agricultural productivity. Special consideration will be given to meeting the requirements of geographically distinctive areas such as hills, deserts and islands. It is expected that on an average a village panchayat with a population of three thousand to four thousand people will receive between Rs. 80,000 to one 10,0000 a year to implement the Jawahar Rozgar Yojana. It aims at placing in the hands of the village panchayats around the country adequate funds to run their own rural employment schemes. By devolving the finances to the panchayats and entrusting to them the administration of

the programme it is expected that a larger proportion of the funds than ever before will be deployed for this programme. Through the devolution of this programme to village panchayats it is hoped that the benefits of this programme directly reaching the people will be significantly higher than in the past.

A unique feature of the Yojana is that each beneficiary of this Yojana will know how much remuneration he and others were getting and how many days of work is being given to him and others Those who will be cheated or deprived will not only be allowed and encouraged to demand immediate redress, but also use the ultimate weapon in their hands to vote out of office any panch or sarpanch for cheating and abusing or misusing his powers and responsibilities.

All existing rural wages employment programmes stand merged in Jawahar Rozgar Yojana. The Yojana will reach out all over the country to the 440 lakh families in rural India, living below the poverty line.

IMPLEMENTING AGENCIES :

At the District level, the District Rural Development Agencies/Zila Parishads will have overall responsibility for supervising and monitoring the implementation of the programme subject to the control and supervision of the State Gevernmment.

At the Village level, the Gram Panchayats will be responsible for planning and execution of the Yojana subject to the technical supervision and control of the Block Agencies/DRDAs. Gram Panchayat for the purpose of this programme means and includes the lowest elected bodies such as Village Panchayats, Mandals, traditional Village Cuncils, Village Development Boards having statutory character.

All the eight Districts of Manipur also will get the benefit of the programme. For the purpose of the programme during the current fiscal year 1989-90 the Development Department, Govt. of Manipur, has proposed an expenditure of rupees 441.75 lakhs of which the Central Gevernment will finance rupees 353.40 lakhs. The expenditure will consist of cash-amount and food grain. The District wise expenditure is hereunder given*.

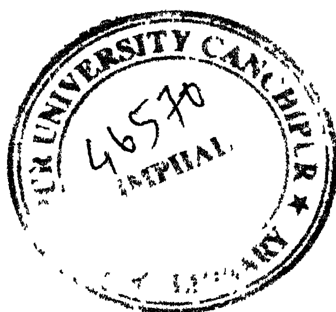
Financial & Physical Targets of Jawahar Rozgar Yojana in Manipur for 1989-90.

(Rs. in lakhs)

Name of District	Central Govt 's assistance			Manipur Govt 's assistance	Total
	Cash Fund	Value of Foodgrains	Total		
1. Imphal	45·42	3·40	48·82	12·20	61·02
2. Thoubal	20 92	1·52	22·44	5·61	28·05
3. Bishnupur	24·26	0·90	25·16	6·29	31·45
4. CCpur	53 34	3 27	56·61	14·15	70·76
5. Ukhrul	46 36	2·22	48·58	12·15	60·73
6. Tamenglong	40 17	1·11	4·28	10·32	51·60
7. Senapati	67 19	3·49	70·68	17·67	88·35
8. Chandel	38 56	1·27	39 83	9·96	49 79
	336·22	17 18	353·40	88·35	441·75

* Source : Directorate of Rural Development & Panchayati Raj, Govt. of Manipur ; Manipur Industrial Weekly August 24-30, 1989.

The planning and implementation of the programme will be carried out through the Gram Panchayats in the valley of Manipur and through the Village Authorities in its hill areas. The programme will guarantee employment to the rural poor in Manipur and thus will improve their socio-economic conditions. But without honesty on the part of the Government and co-operation from the rural people of Manipur the programme may not serve the purpose for which it is launched. Further, there are many apprehensions about the proper utilisation of the funds, under the said Yojana considering the nature of Manipur politics at the grassroots level*.



For detailed criticism of the Yojana see the Times of India October 5, 1989, P. 11. : See also Yojana Vol. 33 ; No. 16 September 1-15, 1989 PP. 32-33.